

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-43181 of 2016 (O&M)

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Date of decision:8.12.2016

Harbhajan Singh alias Bittu alias Rana

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Baljit Singh Aliana, Advocate for the petitioner.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 482 Cr.P.C. read with Article 21 of the Constitution of India for directing the respondents to handover the investigation to independent agency i.e. CBI or Intelligence Bureau in case FIR No.325 dated 20.12.2015 registered for the offences under Sections 21, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the Act') at Police Station Sadar, Ferozepur, as the above stated FIR has been registered falsely against the petitioner.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that the petitioner is the son of Lal Singh. Earlier the wife of Lal Singh has filed a similar petition seeking the similar relief before this Court bearing Criminal Misc. No.M-5506 of 2016 asking for handing over the investigation to independent agency like CBI or

to senior IPS Officer. This Court vide order dated 16.2.2016 directed the Director General of Police, Punjab, to decide the representation (Annexure-P.1) within one month of the receipt of certified copy of that order. That order has been passed as the learned counsel for the petitioner contended that the petitioner would be satisfied if the directions are issued to Director General of Police to decide the representation (Annexure-P.1) in a time bound manner.

Now this petition has been filed by the son of Lal Singh asking for the same relief. When the earlier petition has already been filed seeking the same relief by Kaushalya Bai wife of Lal Singh and this Court has already passed the order asking the Director General of Police to decide the representation (Annexure-P.1) within one month of the receipt of the certified copy of that order, therefore, now the same petition cannot be filed by another family member. At that time, no liberty was taken from the Court for filing fresh petition. Further more, if the Director General of Police, Punjab, has not decided the representation, then the petitioner can avail the appropriate remedy before the competent Court.

Therefore, finding no merit in this petition, the same is dismissed.

December 8, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No