

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr. Misc. M 9178 of 2015

Date of decision: 15.7.2016

Parwinder Kaur and anr

Petitioners

vs.

State of Punjab and ors

Respondent

Present: Mr. Ashok Bhardwaj, Advocate.
Ms. HK Athwal, DAG, Punjab
Ms. Sukhpreet Kaur, Advocate for
respondents 4,5 & 7 to 9.
Mr. ADS sukhija, Advocate for respondent No.6

M.M.S.BEDI,J.

This is a petition for a direction to respondents 1 to 3 to hand over the investigation of FIR No. 276 dated 18.11.2004 u/s 420/465/467/468/471/120-B IPC registered at P.S. Dera Bassi, District SAS Nagar to an independent agency or Crime Branch claiming that respondents 2 and 3 have failed to get the matter investigated fairly. Respondents 4,5 and 7 to 9 are alleged to be the land grabbers.

On notice having been issued, a report has been submitted to the effect that the petitioners are not the complainant in the FIR, in which transfer of investigation has been prayed for. It has been mentioned in the reply, filed by DSP, Sub Division, Dera Bassi that the complaint was filed by Sadhu Singh before SSP, Mohali against the private respondents, which was marked to Incharge E.O. Wing (Counselling). After preliminary inquiry, report was submitted. On the basis of the said inquiry, FIR was registered finding prima facie offence having been committed. The matter was further sent to D.A. (Legal) for his opinion, who has recommended for registration

of the case. After registration of the FIR, investigation was conducted. During investigation, an application was submitted by the accused persons before D.S.P. for inquiry. The inquiry was conducted. Sons of Sandhu Singh had joined the said inquiry and brought to the notice of the investigating agency that the power of attorney, executed in favour of petitioner No.2 by Sadhu Singh had been cancelled. It was found during inquiry that no wrongful loss has been caused to the complainant Sadhu Singh and no wrongful gain has been caused to respondent No.4.

Counsel for the petitioners has submitted that father of petitioner No.1 is incapable of executing any document and is in vegetative physical state. On the other hand, counsel for respondents 4,5 and 7 to 9 has made available a copy of the transfer deed dated 12.4.2016 indicating that Sadhu Singh has transferred a part of his property to his sons. It is claimed that on account of conduct of petitioner No.1, the said transfer has been made. A photocopy of the transfer deed has been handed over to the counsel for the petitioners.

I have considered the facts and circumstances of the case and I am of the opinion that it will not be appropriate for this court to interfere in the investigation as no statutory violation during the course of investigation under Chapter XII Cr.P.C. has been pointed out. It will also not be appropriate for this court to enter into the validity of the cancellation report, which has been submitted by the investigating agency and is stated to be pending before the Illaqa Magistrate. It is always open to the petitioner to challenge the cancellation report.

In view of the above, no ground is made out for transfer of the investigation. Dismissed.

July 15 ,2016
TSM

(M.M.S.BEDI)
JUDGE