

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No. 12854 of 2016
DATE OF DECISION :- June 27, 2016**

Dev Raj @ Dev Behl

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE M.JEYAPPAUL

HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present:- Mr. Atul Nanda, Senior Advocate
with Mr.Karan Bharioke, Advocate for the petitioner.

M.JEYAPPAUL, J.

1. The Writ Petition is filed in furtherance of the earlier Civil Writ Petition No. 12717 of 2016 to monitor, supervise, screen and verify the investigation conducted by the Special Investigation Team qua the petitioner in a case relating to F.I.R. No. 69 dated 16.4.2013 under Sections 22, 25, 27A, 29, 61 and 85 of the Narcotic Durgs and Psychotropic Substances Act and Sections 420, 467, 468 and 471 of the Indian Penal Code registered at Police Station Fatehgarh Sahib, Punjab. In the alternative the petitioner has sought for a direction to any other judicial Authority or an Hon'ble Retired Judge to monitor, supervise and verify the investigation conducted by Special Investigation Team already constituted by this Court so as to eliminate the slightest apprehension, biasness, prejudice or pressure of any nature whatsoever in the conduct of such investigation. The

petitioner has also sought a direction for calling, examining and recording the statement of the petitioner and his family members.

2. Notice of motion.

On the asking of the Court Mr. P.S. Bajwa, Additional Advocate General, Punjab took notice for the State of Punjab.

3. During the course of elaborate submission made by learned Senior counsel for the writ petitioner, it was vehemently contended that during the course of investigation embarked upon by the SIT constituted by this Court, the petitioner was not associated and his statement was not recorded. It was submitted that if some judicial Authority is associated in the matter of monitoring the investigation being carried out by SIT, the apprehension of bias and prejudice in the mind of the petitioners would vanish.

4. We find that the SIT has been constituted by the coordinate Bench of this Court and the SIT is supposed to submit its report on or before 31.7.2016, as per the directions issued by the Court. This Court has already taken a decision on 21.6.2016 that the necessity to entrust the investigation to Central Bureau of Investigation, considering the composition of SIT constituted by this Court, did not merit consideration. The report that would be submitted by SIT will never go unchecked by the Court of law.

5. It is the grievance of the petitioner that he was never summoned by SIT to take a decision as regards his innocence. The inquiry/investigation ordered to be conducted by the Court would be complete only when the petitioner is associated and examined. Let the SIT

do so in the interest of fair investigation/inquiry and communicate its

decision within the time frame fixed by this Court.

6. In the light of the above facts and circumstances, we are of the view that there is no necessity to appoint a retired Judge of the High Court to monitor and supervise the investigation conducted by SIT.

7. The Writ Petition stands dismissed.

**(M. JEYAPPAUL)
JUDGE**

**(A.B. CHAUDHARI)
JUDGE**

June 27, 2016

p.singh