

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

**Crl. Misc. No.M-13942 of 2017
Date of Decision: 07.09.2017**

Harbans Singh Sodhi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. S.C.Arora, Advocate
for the petitioner.

Mr.Davinder Bir Singh, DAG, Punjab.

LISA GILL, J(Oral).

It is submitted that the petitioner and his wife were falsely implicated in a number of criminal cases. FIR No.30 dated 02.04.2010, under Sections 406, 498-A, 420, 376, 34 IPC, was registered at Police Station Kot Bhai (Muktsar Sahib) at the instance of their son's father-in-law. The petitioner, his wife were arrested and thereafter released on bail. FIR Nos.62 and 63 dated 11.05.2011, Police Station Giddarbaha (Muktsar Sahib), under Sections 420, 465, 471 IPC were subsequently registered on a direction of the learned Judicial Magistrate Ist Class, Giddarbaha consequent to an application by their son's father-in-law that the petitioners connived with their sureties in respect to concealment about the location and value of the properties.

It is submitted that all these three cases are absolutely false and a result of a vicious tirade by their son's father-in-law. The petitioner submitted a representation on 19.11.2011 for a fair and impartial enquiry in the matter. An inquiry was marked into the matter and entrusted to

Superintendent of Police (D), Mukatsar Sahib. Superintendent of Police (D) did not recommend any action as the challan in FIR No.30 dated 02.04.2010 was presented and the other two FIR's were registered at the instance of Judicial Magistrate Ist Class, Giddarbaha. It is vehemently urged that Superintendent of Police (D) was a junior officer and enquiry was wrongly entrusted to him. He could not conduct a fair and impartial probe. Subsequently representations Annexure P-1 dated 18.07.2016, Annexure P-2 dated 23.02.2017 and Annexure P-3 dated 11.03.2017 were again submitted for conducting a proper enquiry in the matter.

Learned counsel for the State was directed to seek instructions in this case and file a report as to whether any inquiry initiated at the instance of the petitioner was pending. Learned counsel for the State on instructions from ASI Karanjit Singh informed on 20.07.2017 that trial in all the above-said three cases is proceeding. The trial in fact is informed to be at its fag end as the prosecution evidence in all the three cases is complete and it is submitted that learned trial Court would look into the entire evidence, facts and circumstances and decide the matter accordingly.

Keeping in view the admitted position that the matter is before the trial Court and trial in above said cases is at its fag end, no order or direction as prayed is called for at this stage, in exercise of jurisdiction under Section 482 Cr.P.C.

Accordingly, this petition is dismissed.

07.09.2017
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No

Whether reportable: Yes/No