

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

**Criminal Misc. No.M-17406 of 2017 (O&M)
Date of Decision: July 27, 2017**

Sukhwinder Singh

.....PETITIONER(s).

VERSUS

State of Punjab and others

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. G.S. Sandhu, Advocate
for the petitioner (s).

Mr. Ajay Pal Singh Gill, D.A.G., Punjab.

SURINDER GUPTA, J.

This petition has been filed by Sukhwinder Singh for direction to respondents No.1 to 4 to conduct fair and impartial investigation in case bearing FIR No.28 dated 15.02.2017, registered at Police Station Kamboj, District Amritsar Rural for offence punishable under Section 420 of Indian Penal Code.

Learned counsel for the petitioner has argued that in this case, the police conducted two inquiries and thereafter, on the application of one Gurpatinder Singh, who is uncle of the accused named in the FIR, inquiry was again handed over to Superintendent of Police, Tarn Taran. The police cannot indulge in multiple inquiries.

Learned State counsel submits that police has now prepared the challan which is awaiting inquiry report as the inquiry was ordered on the

application of petitioner himself. He has argued that the petitioner has filed this petition with distorted facts. In this case, a preliminary inquiry was conducted by Superintendent of Police (Local), Amritsar Rural, which was further corroborated by inquiry report of Superintendent of Police (Investigation), Amritsar Rural before the registration of FIR. After the grant of anticipatory bail to the accused named in the FIR Bikramjit Singh and Kulbir Singh, an application was moved by Gurpatinder Singh, brother of petitioner and accused Kulbir Singh approached the Director, Bureau of Investigation, Punjab, Chandigarh claiming his innocence and seeking cancellation of FIR. Their representations were marked to Deputy Inspector General of Police, Boarder Range, Amritsar to get it examine, who marked the same to Superintendent of Police (Investigation), Tarn Taran with direction to verify the actual/true facts and conduct detailed inquiry. Representation dated 23.02.2017 given by petitioner Sukhwinder Singh is also being inquired into. He further submits that police will file the final report before the Court at the earlier after completion of inquiries.

Learned counsel, who has put in appearance on behalf of accused, submits that vide report dated 17.05.2017 Superintendent of Police (D), Tarn Taran found the accused named in the FIR as innocent but that investigation report was not accepted and matter has again been sent to Superintendent of Police (Investigation), Tarn Taran for further inquiry.

On giving a careful thought to the respective submissions of learned counsel for the petitioner, learned State counsel and learned counsel appearing for the accused, I find that this petition is without merits. The submission of learned counsel for the petitioner that after the registration of

FIR, police again proceed to conduct verification of facts, have no basis. Two preliminary inquiries were conducted before recording of the FIR. On representation of the accused, the same was sent by Director Bureau of Investigation, Punjab to Deputy Inspector General of Police, Border Range, Amritsar, who asked Superintendent of Police (Investigation), Tarn Taran to conduct the inquiry. Even after the report of Superintendent of Police (Investigation), Tarn Taran, which exonerated the accused, the matter has again been referred to Superintendent of Police (D), Tarn Taran, which shows that police is very cautious and is inquiring into all the aspects coming before it whether the same has been put forth by the petitioner or by the accused. Under these circumstances, when three inquiries are on the instance of petitioner and one at the instance of accused, petitioner should not have any grouse that the investigation in this case is not fair.

Keeping in view the above facts, I find no merits in this petition and the same is dismissed.

However, respondents are directed to expedite the inquiry pending before Superintendent of Police (D) and present the final report before the Court within a period of four months of the final conclusion of inquiry/investigation.

July 27, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***