

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

CRM-M-23259-2016
Date of decision : 31.03.2017

Manjit Singh

...Petitioner

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present : Mr. P.S. Ahluwalia, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. K.S. Dadwal, Advocate for respondent No.6.

JITENDRA CHAUHAN, J.

By filing this petition under Section 482 of the Code of Criminal Procedure Code, the petitioner-complainant seeks transfer of investigation of case bearing FIR No.75 dated 01.05.2016, registered under Sections 302, 342, 120-B and 148 read with Section 149 of the Indian Penal Code, at Police Station Tanda, Distt. Hoshiarpur, to an independent agency.

It is contended that on the statement made by the petitioner, the aforesaid FIR was registered. The son of the petitioner had been killed by Pritam Singh and his co-accused. From the fact that the statements of material witnesses, i.e. Ranjit Singh and Gurbir Singh were not recorded by the investigating agency, it emerges that fair and proper investigation was not carried

out in the matter despite a representation having been moved by the petitioner before the Inspector General of Police, Jalandhar.

On the other hand, learned State counsel submits that initially, the FIR was registered against Pritam Singh, Rajdeep Kaur, Harjap Singh @ Sonu, Sahab, Harnam Singh and Didar Singh. Accused Pritam Singh and Rajdeep Kaur, were arrested on 01.05.2016, whereas, co-accused Harjap Singh @ Sonu was arrested on 04.05.2016. A special investigation team (SIT) was constituted comprising of SP (Investigation), DSP and SHO, P.S. Tanda, to conduct investigation into the matter. After thorough investigation, Pritam Singh and Rajdeep Kaur were nominated as accused. Rest of the persons named in the FIR were found to be innocent. The inquiry report was approved by SSP Hoshiarpur on 22.07.2016. The challan against the accused has been presented before the Area Magistrate, Dasuya on 28.07.2016.

I have heard learned counsel for the parties and perused the case file.

In pursuance of the application moved by the petitioner-complainant, a SIT was constituted by the SSP, Hoshiarpur, which after thorough investigation, found Pritam Singh and Rajdeep Kaur as perpetrators of the crime. The remaining persons named by the complainant were found to be innocent. The competent Court is seized of the matter. This Court is of the opinion that the trial Court has sufficient power to separate grain from the chaff. Even

otherwise, the complainant may resort to the remedies available to him under law.

It is also not out of place to mention here that though the investigating agency moved application for discharge of accused Harjap Singh, but the same was dismissed by the Judicial Magistrate 1st Class, Dasuya, vide order dated 01.08.2016, which is further upheld by this Court in CRM-M-27926-2016.

In view of the above discussion, the instant petition is hereby dismissed.

31.03.2017

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**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No