

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

**CRM No.M-35957 of 2015 (O&M)
Date of Decision: February 08, 2017**

Jasbir Singh

...Petitioner

VERSUS

State of Punjab and others

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.A.G.S.Dhillon, Advocate
for the petitioner.

Mr.Deep Singh, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for transferring the investigation of case FIR No.53 dated 21.04.2015 under Sections 302 and 365 IPC registered at Police Station Urban Estate, Patiala, to CBI for conducting fair and proper investigation.

Notice of motion was issued and learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

At the time of arguments, learned State counsel brought it to the notice of this Court that in this case challan has already been presented before the Court and charge have already been framed. Even the petitioner

has himself appeared as a witness and has been examined-in-chief.

One of the official of Special Investigation Team (SIT) also appeared in the Court, who brought to the notice of this Court that in this case scientific investigation has been conducted, call details have been collected and even the calls on the telephone of the accused have been recorded. The mobile and car of the deceased have been recovered. The SIT which was formed under the senior most officers after 5-6 days of the occurrence, could not find any evidence against Gurmukh Singh, husband of the deceased Jaspal Kaur.

From the perusal of the record, I find that even in the FIR, no allegation against Gurmukh Singh regarding murder of Jaspal Kaur and her son Amrinderjit Singh was levelled. Jaspal Kaur is stated to be second wife of Gurmukh Singh and Amrinderjit Singh was the son. The only argument of learned counsel for the petitioner is that Gurmukh Singh has not even attended the cremation of his wife and son but at the same time, he has admitted that Gurmukh Singh was having strained relations with his second wife as well as son. It is also not contested that since one month before the occurrence, Gurmukh Singh was already residing abroad. Officer of the SIT also brought to the notice of this Court that they could not find out any telephonic call from Gurmukh Singh to the main accused, who was driver of Jaspal Kaur.

Keeping in view the above said facts and especially the fact that trial Court has already taken the cognizance and the petitioner himself has been examined-in-chief before the trial Court and further in view of the fact that SIT which was constituted of senior most officers, could not find

any evidence against Gurmukh singh, I do not find any ground to hand over

the investigation to the CBI at this stage. Even, the petitioner has only suspicion and has not shown anything from which involvement of Gurmukh Singh could be found.

Therefore, finding no merit in the present petition, the same is dismissed. However, the petitioner is at liberty to avail remedy before the trial Court by filing application if any cogent evidence comes on record against the accused or other person and the trial court will decide the same as per law.

February 08, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No