

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

CRM-M-8223-2017

Date of decision: 8.09.2017

Tarandeep Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Kanwaljit Singh, Sr. Advocate, with
Mr. Abhishek Bajaj, Advocate,
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

Mr. Pankaj Bhardwaj, Advocate,
for respondent No.3.

JAISHREE THAKUR, J.

1. This is a petition that has been filed under Section 482 Cr.P.C. for quashing the order dated 19.01.2017 challenging the appointment of the Chairman of the Special Investigation Team (SIT).

2. In brief, the facts are that the petitioner solemnized marriage with respondent No.3 on 25.11.2013 at Ludhiana. The marriage between the parties did not survive, leading to bitter allegations and litigation between respondent No.3 and the petitioner and his family members. On the basis of FIR No. 35 registered at the behest of respondent No.3 at Police Station Sadar Ferozepur under Sections 406, 498-A, 307, 342, 506, 120-B IPC, the petitioner, his parents, his married sisters, brothers-in-law etc. were involved on allegations of dowry and it was alleged that an attempt had been made on the life of the complainant-respondent No.3 herein by the husband of the complainant, the petitioner herein, his father and mother.

The petitioner was arrested and was sent behind bars under the said FIR.

Another FIR No. 109 dated 16.04.2014 was also registered against the petitioner under Sections 384, 506 IPC (Section 115-B added lateron) at Police Station Sadar Ferozepur, District Ferozepur. The petitioner approached the Hon'ble Courts for transfer of the case and for a fair investigation alleging that there was close proximity between the father of the complainant and police officials and, therefore, the petitioner feared that the investigation would be tainted and not be a fair one. In LPA No. 630 of 2014 a Special Investigation Team (SIT) was constituted to conduct a proper independent probe. By order dated 11.07.2014, it was directed "*the S.I.T. will work under the supervision of the ADGP (Crime) and if the ADGP (Crime) is of the view that any Member of the S.IT. needs to be replaced, he would be free to do so. The S.I.T. will specifically keep in mind the directions issued in Criminal Appeal No. 1277 of 2014 titled as Arnesh Kumar Vs. State of Bihar and another on 02.07.2014 by the Hob'ble Supreme Court.*"

3. Pursuant to the said order, S.I.T. was constituted comprising of Sh. Amar Singh Chahal, IPS, Inspector General of Police, IRB, Punjab, Patiala, as Chairman and Sh. Swapan Sharma, IPS. Sr. Superintendent of Police, Bathinda, Sh. Sukhdev Singh Virk, PPS, Superintendent of Police, Headquarters, Patiala and Sh. Baljit Singh, PPS, Superintendent of Police, Investigation, Shri Muktsar Sahib, as Members. It is this appointment of Sh. Amar Singh Chahal, IPS, Inspector General of Police, IRB, Punjab, Patiala, as Chairman that has been challenged.

4. Learned counsel for the petitioner contends that Sh. Amar Singh Chahal, IPS, is a close associate of the father of the complainant and

to substantiate this statement various photographs have been placed on the record along with telephone details. Sh. Amar Singh Chahal, IPS, was thereafter replaced by Shri S.P.S. Parmar, IPS, Inspector General of Police, Cyber Crime, S.A.S. Nagar, by order dated 20.04.2016 whose appointment also came to be challenged by filing CRM-M-14356-2016 on the ground that the said order had been passed by the Director General of Police who was not a person competent to appoint the Chairman of SIT since a direction had been issued by the Division Bench that the SIT will work under the supervision of ADGP (Crime). It was submitted that it is ADGP (Crime) who is the person competent to appoint any member of SIT. .

5. I have heard the counsel for the parties and also considered the affidavit filed in court. After notice of application challenging the appointment of Sh. S.P.S. Parmar, it was reconsidered and withdrawn by the DGP by order dated 08.08.2017 and thereafter the ADGP (Crime), Punjab the person competent to supervise the SIT has issued fresh orders reconstituting the SIT and by nominating Sh. M.F. Farooqui, IPS, Inspector General of Police, Crime-II, as Chairman.

6. In view of the aforesaid nomination of Sh. M.F. Farooqui, IPS, as Chairman of the SIT and removing Mr. Amar Singh Chahal, alleged to be confidant of the father of the complainant; no further orders are called for in the instant petition. It is hoped that the new Chairman and the SIT will act in accordance with law and directions as issued by the Letter Patent Bench.

8.09.2017

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes.

No.