

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CWP No. 20970 of 2014

Date of Decision: November 14, 2017.

Surinder Kaur

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Ms.Divya Sharma, Advocate
Amicus curiae.

Mr. Harsimran Singh Sethi, Addl.A.G., Punjab

Rajan Gupta, J (Oral)

Petitioner has filed a writ seeking transfer of investigation of FIR No.246 dated 1.7.2005 registered at Police Station, Lambi, District Muktsar to some independent agency in view of the plea that proper investigation has not been carried out. It has been urged before the court that son of the petitioner was murdered way back in the year 2005. Since then no clue has been found about the manner in which he was killed.

Stand of the State is that it was the case of railway accident. On this basis, State has submitted an untraced report before the court below on 19.4.2011. However, same was not accepted and the matter was sent back for re-investigation. A SIT was constituted thereafter. It came to the same conclusion and submitted an untraced report. The trial court declined to accept the report and again referred the matter for re-investigation.

Counsel for the petitioner submits that no useful purpose will

be served by asking the same investigating agency to investigate the matter. It needs to be handed over to an independent agency. This court finds substance in the plea. In view of law laid down by the Apex Court in **Central Bureau of Investigation Vs. State of Rajasthan and another, 2001(3) SCC 333**, a case can be entrusted to an independent agency only under inherent jurisdiction of this court.

Keeping in view the facts and circumstances of the case, it appears that thorough investigation in the matter needs to be carried out. Same is handed over to Bureau of Investigation, Punjab, which shall conclude its investigation within three months and submit a report before the competent court.

Fee of Rs.30,000/- be remitted to Ms.Divya Sharma, Advocate, who was appointed as Amicus curiae vide order dated 12.10.2017.

(Rajan Gupta)
Judge

November 14, 2017.

BB

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No