

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-10028 of 2018

Date of Decision: March 09, 2018

Harjit Singh @ Jajj and another

.....Petitioners

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Vishal Khatri, Advocate
for the petitioners

Sudhir Mittal, J. (Oral)

The petitioners seek direction for transfer of investigation in case FIR No. 20 dated 09.09.2017 registered at Police Station State Special Operation Cell, Amritsar, under Sections 21/25/29-61-85 of the NDPS Act, 1985, to some senior officer of the rank of DGP/IGP.

Learned counsel for the petitioner *inter alia* contended that the investigation in this case is being conducted by the same officer on whose complaint the FIR was registered and this is violative of principles of natural justice. Legal notice dated 04.12.2017 (Annexure P-6) has already been sent but no action has been taken thereupon.

Notice of motion.

Mr. Kirat Singh Sidhu, DAG, Punjab accepts notice on behalf of respondents No. 1 to 5. Let six copies of petition be supplied to him during the course of the day.

In view of the nature of order that is being passed there is no necessity to issue notice to private respondent No. 6 at this stage.

It is settled law that no person can be a judge in his own case. With

reference to criminal law, judgment of the Supreme Court of India in *State by Inspector of Police, NIB, Madurai, Tamil Nadu vs. Rajangam, 2010(15) SCC 369* can be referred to in this regard.

With these observations, the petition is disposed of with direction to respondent No. 3 to expeditiously and objectively consider the submissions made in legal notice (Annexure P-6) and to take decision thereupon in accordance with law within a period of four weeks from the date of receipt of a certified copy of this order.

March 09, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No