

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

**CRM-M-11141-2017  
Date of decision: 4.05.2018**

Gurcharan Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present: Mr. D.N. Ganeriwala, Advocate,  
for the petitioner.

Mr. A.S. Sandhu, Addl. A.G., Punjab.

Mr. S.S. Sidhu, Advocate,  
for the applicant-respondent No.6.

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**JAISHREE THAKUR, J.**

1. This petition under Section 482 Cr.P.C. has been filed seeking to set aside the second inquiry report dated 09.02.2017 (Annexure P-4) as well as to set aside all consequential proceedings arising therein.

2. In brief, the facts are that the petitioner complainant got FIR No. 57 dated 06.05.2016 under Section 304-B IPC registered at Police Station Nehianwala, District Bathinda against accused Sandeep Singh son of Jagseer Singh, Jagseer Singh s/o Surjeet Singh and Jaswinder Kaur w/o Jagseer Singh. It was alleged in the FIR that a marriage was solemnised between sister of the complainant with Sandeep Singh son of Jagseer Singh and at the time of marriage adequate dowry was given as per their status but the in-laws were not happy with the same and were demanding a car. The

sister of the complainant was continuously harassed and she informed that her life has been made miserable on the ground that she was not bringing “Swift car” from her parents. Efforts had been made by the family members of the complainant to talk to the in-laws but to no avail. On 05.05.2016, the sister of the complainant Karamjeet Kaur (since deceased) called him up and said their in-laws are torturing her to bring Swift car and her life had been made miserable and hell. The complainant was informed on 06.05.2016 that his sister had committed suicide by hanging herself in her matrimonial home. The matter was investigated and at first the Investigating Agency arrested Sandeep Singh, husband of the deceased on 06.05.2016, whereas other accused, namely Jagseer Singh and Jaswinder Kaur managed to evade arrest. Thereafter, an application was moved on 11.05.2016 by the daughter of Jagseer Singh i.e. sister-in-law of the deceased and this application was registered vide no. 148/ Nehianwala/ 16 dated 12.05.2016 by S.S.P. (Investigation), Bathinda and was further marked to Superintendent of Police (D), Bathinda for inquiry report. The Investigating Agency, thereafter filed challan dated 22.8.2016 under Section 173(2) Cr.P.C. against Sandeep Singh s/o Jagseer Singh while mentioning that father-in-law and mother-in-law are evading arrest and supplementary challan under Section 173(8) Cr.P.C. would be filed on their arrest. P.O. Proceedings were initiated against them. On the application filed by the daughter of the Jagseer Singh, a full-fledged inquiry was concluded by the S.P. (Investigation), Bathinda dated 15.9.2016, after taking into account the statements/ documents of both the parties and it was observed that charge

under Section 304-B IPC had been rightly registered against the accused. That on 07.02.2017, another application was moved by Mandeep Kaur d/o Jagseer Singh before S.S.P. Bathinda for a second inquiry in the present FIR, which application stood allowed. The second inquiry held that no offence was made out against the father-in-law and the mother-in-law of the deceased.

3. The petitioner-complainant has instituted the instant petition arguing that after the matter had been investigated and charges had been framed, there was no occasion for a second application to have been entertained while further arguing that the second Inquiry Officer did not involve the complainant while concluding his report and had wrongly exonerated the accused Jagseer Singh and Jaswinder Kaur. it is also argued that a econd enquiry could not have been held in view of the circular issued by the office of the Director General of Police, Punjab, Chandigarh No. 10801/CR-LA-2 dated 24.05.2009

4. Per contra Mr. S.S. Sidhu, learned counsel appearing on behalf of the private respondents submits that the instant petition deserves to be dismissed at the very outset on account of concealment of material facts. It is argued that on the same set of allegations, a civil writ petition had been filed wherein the High Court had dismissed the same being premature. It is argued that the petitioner had filed the writ petition on the ground that the second investigation was not maintainable. It is also argued that the petitioner has failed to disclose that the private respondents have already been summoned under section 319 Cr.P.C and are facing trial and, therefore,

the instant petition has been rendered infructuous .

5. I have heard the counsel for the parties and with their able assistance have perused the paper book.

6. Admittedly an F.I.R. No. 57 dated 6.5.2016 came to be registered at police station Nehianwala under section 304-B IPC against three accused, namely, Sandeep Singh son of Jagseer Singh (husband), Jagseer Singh son of Surjeet Singh (**father-in-law**) and **Jaswinder Kaur wife of Jagseer Singh (mother-in-law)**. Under the said F.I.R. the husband Sandeep Singh came to be arrested, whereas both father-in-law and mother-in-law were evading arrest. An Inquiry was conducted into the matter on an application preferred by daughter of Jagseer Singh and the S.P. (Investigation), Bhatinda came to the conclusion that FIR No. 57 dated 06.05.2016 under section 304-B IPC Police Station Nehianwala had rightly been registered. The challan was put up only against the husband since the private respondents were evading arrest. At the time of the presentation of the challan against the husband, it had been stated that a supplementary challan would be put up. Subsequently, a second enquiry came to be held after a gap of a year and S.P. (Traffic) submitted a report to the effect that Jagseer Singh son of Surjeet Singh (**father-in-law**) and **Jaswinder Kaur wife of Jagseer Singh (mother-in-law)**, were innocent.

7. The main thrust of argument of the counsel for the petitioner is that a second enquiry is not sustainable in view of office order dated 24.5.2009 issued by the Director-General of Police, wherein it has been ordered that whenever a senior officer from the field or police headquarters

has ordered an enquiry into a case, no junior officer will order any other subsequent enquiry and the concerned SSP must ensure it. It is submitted that in the instant case, Superintendent of Police (Investigation) had already looked into the matter and, therefore, there was no ground for the SP (Traffic) and the ASI, Economic Offences Wing to have given a finding otherwise. Reply has been filed by DSP, Sub-Division Bhuchio, District Bhatinda, wherein it is stated that the enquiry report dated 15.09.2016, on the way basis of which charges have been framed against the husband and supplementary challan was to be put up against father-in-law and mother-in-law, was never approved and, therefore, **the second enquiry report is sustainable.**

8. There is no quarrel with this proposition. The circular as issued by the Directorate of Police Department in no uncertain terms directs that there multiplicity of enquires should be avoided, while further directing that when a final report has been submitted in Court prescribed procedure must be followed before ordering any further inquiry/investigation. The circular has to be complied with otherwise multiple inquires only cause confusion and become a source for causing an inordinate delay in conclusion of a trial. This is the view expressed in *Jaswinder Singh vs. State of Punjab and others, Criminal Misc. No. M-18244 of 2008 decided o 12.01.2009.*

9. However in the instant case, the petitioners had approached the High Court on 1.3.2017 by way of filing a Civil Writ Petition No. 4374 of 2017 titled *Gurcharan Singh Vs State Of Punjab and Others* seeking to quash the second enquiry conducted by SP (Traffic), Bhatinda and ASI,

Economic Offences Wing and seeking the arrest of the absconding accused in FIR No. 57 dated 06.05.2016 under Section 304-B IPC registered at Police Station Nehianwala, District Bhatinda. The writ petition was disposed of by order dated 3<sup>rd</sup> of March 2017 with an observation that

*“I am of the opinion that the right of the petitioner to claim trial by summoning Jagseer Singh and Jaswinder Kaur as additional accused u/s 319 Cr.P.C. is not, in anyway manner, prejudiced by the report (Annexure P-4), which till date has not been presented in the trial court.*

*Since the prosecution agency has not opted to present any supplementary challan u/s 173 (8) Cr.P.C. claiming accused Jagseer Singh and Jaswinder Kaur as innocent, the present writ petition is pre-mature.*

*The petition is disposed of as pre-mature. However, it is observed that the right of the petitioner u/s 319 Cr.P.C. to summon the additional accused will not be prejudiced by report (Annexure P-4) as the same has not been presented in court till date and is not sought to be relied upon to supersede the earlier report filed u/s 173(2) Cr.PC. against Sandeep Singh and others.”*

It would be worthwhile to mention that the instant Criminal Revision Petition under Section 482 Cr.PC. came to be filed immediately thereafter on 25.03.2017 without a whisper in the petition that the petitioner had approached the High Court on identical facts seeking to challenge the second enquiry report and the same had been dismissed. This amounts to concealment of facts and is not appreciated.

10. It is also noticed that when the matter was argued on 14<sup>th</sup> of July 2017 and notice of motion was issued, this court was not informed that the petitioner Gurcharan Singh had been partly examined by Additional Sessions Judge, Bhatinda on 27<sup>th</sup> of March 2017 on which date it was stated that an application under Section 319 Cr.PC. is to be filed to summon additional accused, namely, Jagseer Singh and Jaswinder kaur. There has been total concealment of fact in the instant petition which would disentitle the petitioner to any relief, whatsoever.

11. At the present moment, this Court is not inclined to get into the question whether the first inquiry report had been approved or not since it has become a disputed question of fact as would be evident from the reply filed by the State. The challan has already been put up and the parties summoned are to lead their own evidence and innocence to be determined by the trial Court. The petitioner has not approached this Court with clean hands since he did not disclose to this Court that a writ petition had been filed on a similar cause of action and that the said writ petition was dismissed. In any case, the private respondents have been summoned under Section 319 Cr.P.C. and it would be appropriate to let the trial take its course.

12. Be that as it may, the additional accused sought to be summoned are already facing trial, since the application filed under section 319 Cr.P.C. was allowed by order dated 9.5.2017. Thereafter, the summoned accused approached this High Court in **CRM-M-23854-2017** *Jaswinder Kaur and Another Vs. State of Punjab and another* seeking

grant of anticipatory bail to the petitioners who are summoned under Section 319 Cr.P.C. as an additional accused to face trial under Section 304-B IPC in FIR No. 57 dated 06.05.2016 registered at Police Station Nehianwala. This matter was contested and by order dated 16.04.2018, the accused petitioners therein were directed to appear before the trial court and furnish their bail bonds as well as deposit their passport.

13. Therefore, in view of the foregoing facts and circumstances of the case, no further orders are called for and the petition stands dismissed.

**4.05.2018**

*Satyawan*

**(JAISHREE THAKUR)  
JUDGE**

Whether speaking/reasoned

Yes.

Whether reportable

No.