

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

**CRM No.M-11543 of 2015 (O&M)
Date of Decision: December 13, 2018**

Satnam Singh

...Petitioner

VERSUS

The Director, Central Bureau of Investigation and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Navkiran Singh, Advocate
for the petitioner.

Mr.Sumeet Goel, Advocate
for respondent No.1-CBI.

Ms.Monika Jalota, DAG, Punjab
for respondents No.2 to 4-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against The Director, CBI and other respondents for handing over the investigation of case FIR No.121 dated 30.09.2013 registered under Section 302 IPC at Police Station Anandpur Sahib to Central Bureau of Investigation as the State Police has failed to even arrest the accused named in the FIR for interrogation and investigation, for committing murder of son of the petitioner and declared them innocent and submitted untraced report.

Notice of motion was issued. Learned counsel for CBI as well as learned State counsel appeared and contested the petition.

I have heard learned counsel for the parties as well as learned

State counsel and have gone through the record.

From the record, I find that in the present case FIR was registered on an application moved by the petitioner to Senior Superintendent of Police, Ropar and averments in the application are as under:-

'It is submitted that I Satnam Singh son of Jagat Singh resident of village Datta PS Gardhiwala, District Hoshiarpur reside there and state that my son Kulwinder Singh had been working as DPE Teacher in Govt. Sr. Secondary School, Kudha, Tehsil Dasuya, District Hoshiarpur and that he was deputed by the department in connection with the State level Gatka tournament at Anandpur Sahib, District Ropar. My son Kulwinder Singh and Barjinder Singh had been put on duty to take the children and bring back and he went on tour on 14.10.2012. On 15.10.2012 my son died at about 9.30 pm and postmortem was conducted in the civil hospital, Anandpur Sahib and on the same day i.e. 16.10.2012, DDR No.5 dated 16.10.2012 U/s 174 Cr.P.C. was recorded in police station Anandpur Sahib. Now medical report has been received of my son from Govt. Medical College, Patiala, in which it has been disclosed that my son died because of poisoning. It is pertinent to mention here that along with my son Barjinder Singh and Ramandeep Singh alias Senti and Jassa were also present at Anandpur Sahib and that all of three along with my son Kulwinder Singh took dinner together and immediately thereafter the condition of my son deteriorated and thereafter, he died. The other three accused did not suffer any ailment and that my son died on the spot. It is thus evident that in collusion with Sarabjit Singh all these 3 persons murdered my son by giving a poisonous substance because Sarabjit Singh who is a DPE teacher and he obtained service by producing a fake degree and we had made a complaint against him and therefore he nourished a grudge against us and that the other accused number 2, 3 and 4 are his companions. At the instance of Sarabjit Singh above mentioned accused No.2 to 4 murdered my son by administering poison in the food and thus committed his murder, therefore, my son died and DDR No.5 dated 16.10.2012 under Section 174 Cr.P.C. PS Anandpur Sahib District Ropar was recorded. After the receipt of medical report, FIR may be registered under Section 302 IPC against the above mentioned accused and they may be sentenced. Justice may be delivered to me. It is therefore requested that keeping in view the above mentioned facts DDR may be converted into an FIR and provision of Section 174 may be converted into provision for committing murder and accused may be convicted so that in future the life and property

of we people may be safeguarded and justice may be done. I shall be grateful for it.'

At the time of arguments, it is admitted that challan has already been presented against the accused, who are named in the FIR and they have been charge-sheeted and trial is going on. The relief sought in the petition is that accused have not been apprehended and have been declared innocent and untraced report has been filed in the Court but as learned State counsel argued that challan has already been filed, charges have been framed and trial is going on, it is clear that investigation is complete and trial Court has already taken the cognizance.

Furthermore, it has been brought to the notice of this Court that all the accused named in the FIR have been challaned. Now, learned counsel for the petitioner contended that investigation has not been conducted properly and sufficient evidence has not been collected by the Investigating Officer but learned counsel for the petitioner failed to specify as to what evidence was available, which has not been collected. If at all, there is any further evidence with the petitioner, the petitioner has remedy to ask for further investigation in the present case and also he can avail remedy before the trial court by way of additional evidence, which is to be seen by the trial Court, as per law but no ground is made out for handing over the investigation to CBI etc.

Learned State counsel has also brought it to the notice of this Court that investigation was firstly conducted by a senior officer and then, SIT was formed and has investigated the matter minutely on each and every fact.

From the perusal of the record as well as in view of the above

discussion, I do not find any ground to hand-over the investigation to the CBI, in the facts and circumstances of the present case.

Therefore, finding no merit in the present petition, the same is dismissed.

December 13, 2018	(INDERJIT SINGH)
Vgulati	JUDGE
Whether speaking/reasoned	Yes
Whether reportable	No