

119 CRM-M-16753-2018 (O&M)

BALJEET SINGH VS STATE OF PUNJAB & ORS

Present: - Mr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Pratham Sethi, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Kanwaljeet Singh, Sr. Advocate with
Mr. Manbir Singh Batth, Advocate for complainant.

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Present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of the order dated 5.4.2018 (Annexure P-13), passed by AIG, Crimes, Jalandhar in case FIR No. 54 dated 10.2.2015 under Sections 336/382/323/506/148/149 of the Indian Penal Code and Sections 27, 54 and 59 of the Arms Act, 1878 (lateron Section 307 IPC has been added) registered at Police Station City Taran Taran District Taran Taran.

Heard.

Vide order dated 5.4.2018, learned Chief Judicial Magistrate, Taran Taran was intimated that Special Investigation Team has been constituted consisting S.S. Srivastava, IPS, Commissioner of Police, Amritsar as Chairman and S S Mand, PPS, AIG Crimes, Jalandhar Cum-Member Special Investigation Team and Tejinder Singh Maur, AIG, Crime Amritsar as the members of the team. The Court, accordingly, took that intimation on record vide order dated 29.5.2018 (Annexure P-14).

The background of the case is that on 10.2.2015, a clash took place outside the SDM office between Akali and BJP workers, both of which, were part of the ruling coalition government. It is alleged that some shots were fired on the basis of which, Rajesh Kumar @ Raja, who was the brother of the then Cabinet Minister, lodged the FIR in question. The said incident is stated to have been recorded on video and in CCTV camera and

was widely circulated on internet also.

Later on, it came out that opposite party consisting of Akali workers came out with a counter version that they have also received injuries. Matter was brought to this Court and this Court was informed that Special Investigating Team has been constituted. Accordingly, Special Investigating Team after considering the matter made out the cross case and presented the challan before the trial Court.

Now after filing of the challan on 1.12.2017, Rajesh Kumar @ Raja filed an application making grievance against the investigation by the above said constituted Special Investigating Team. Accordingly, the police moved an application before the Chief Judicial Magistrate, Taran Taran for permission to further investigate the matter under Section 173(8) of the Code of Criminal Procedure. Since the Investigating Officer was not presented in the Court, learned Chief Judicial Magistrate, Taran Taran vide its order dated 27.3.2018, rejected the said request. Now, vide the impugned order dated 5.4.2018 (Annexure P-13), Court has been informed that Special Investigating Team has been constituted. Petitioner seeks quashing of the said intimation to the Court.

I have heard learned counsel for the parties and perused the record as well.

I am of the view that an incident had taken place in full view of the public as the video recording and CCTV recording is there on the record to find out as to what had actually happen. It comes out that two groups had clashed, one is belonging to Akali Dal and the other one belongs to BJP. Both of them were part of ruling coalition government which was in power at that time. Therefore, apparently both the groups had their push & pulls

and both the groups were equally powerful. However, the government was headed by the Akali Dal and BJP was the junior partners. Come what may, this Court is not to go into the merits of the case. However, circumstances of the case are such that truth should be brought forth.

Present petitioner claims that they has also received injuries now there is a change of the government.

I am of the considered view that no fault can be found with the action of the police in further investigating into the matter to bring forth the truth. Police has the power to further investigate the matter under Section 173(8) of the Code of Criminal Procedure and if it is decided to do so, there is no illegality or infirmity in the same. Consequently, there is no force in the present petition and there is no ground to quash the communication.

Considering the sensitivity of the matter, Director General of Police, Punjab is directed to supervise the working of the Special Investigating Team so that actual truth is brought forth and a fair investigation is conducted with regard to version and cross-version.

The Special Investigation Team shall complete the investigation within three months and submit the final report before the trial Court.

(KULDIP SINGH)
JUDGE

18.9.2018
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