

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

CRM-M-32861-2015 (O&M)

Date of Decision: 16.05.2018

Jarnail Singh and another

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. M.K. Dhot, Advocate
for the petitioner(s).

Mr. K.S. Aulakh, D.A.G., Punjab.

Mr. Arshvir Sandhu, Advocate
for respondent No.6.

None for respondent No.7.

ANITA CHAUDHRY, J

This is a petition filed by the accused persons who were seeking fair investigation in FIR No.164 dated 21.06.2015 under Sections 452, 354, 354-A, 323, 506 and 34 of IPC (Sections 452, 354, 354-A were deleted) registered at Police Station Kotwali, Bathinda (Annexure P-2).

The State had filed the reply in February, 2016 and it was pleaded that the investigation of this case was transferred by the Court vide order dated 07.08.2015.

The Tribunal had pointed out that they had given a representation to the Chief Minister, Punjab (Annexure P3). The State was

asked to file an additional affidavit. The Senior Superintendent of Police, Bathinda filed reply dated 21.03.2018 and pleaded that the representation was addressed to the Deputy Chief Minister, Punjab for taking necessary action but no copy was forwarded to them and therefore no further inquiry was ordered.

The judgment referred to given by the petitioner, namely, '**Baggu Khan Vs. State of Punjab and others 2016(3) Law Herald 2360**', is of no assistance. In the judgment cited by the petitioner, the FIR had been lodged under the NDPS Act and the prayer in the petition was to transfer of the case to CBI. Noticing the fact that the investigation was handed over to the CBI, leaving it to them to initiate action against the concerned official if it was found that the petitioner had been falsely implicated. The facts of the present case are entirely different.

The challan has been presented before the Chief Judicial Magistrate, Bathinda on 30.10.2015. In view of this no directions are required to be given.

The petition is dismissed.

May 16, 2018

ps-I

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No