

CRM-M-41811 of 2015(O&M)
Date of decision: 25.01.2018

Dharam Pal

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr.M.L.Saini, Advocate
for the petitioner.

Mr. Abhaypal Singh Gill, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for handing over the investigation of FIR No.88, dated 22.07.1996 registered at Police Station Sujampur under Section 364 IPC to some other agency or to other further investigation as per proper procedure under Section 173 (8) Cr.P.C.

In pursuance to the notice of motion, different affidavits have been filed by the respondent giving the details of the investigation conducted by the police.

As per last affidavit dated 16.01.2018 filed by DSP, Sub-Division, Dhar Kalan, Pathankot, again it has been submitted that the police has conducted the investigation from all angles and have joined all the persons but no clue would be found out with regard to the brother of the petitioner-Ashok Kumar. It is also stated in the affidavit that the mother of the present petitioner (also mother of Ashok Kumar) had filed a CRM-19312-M-1996 with a similar prayer for issuing direction to hand over the investigation to CBI and in that case, this Court has passed an order that the investigation cannot be handed over to CBI and directed that the investigation be got conducted by an officer, not below the rank of DSP,

Pathankot. It is further submitted that the matter pertains to the year 1996 and is about 20 years old, despite the best efforts made by the police and joining of the suspicious persons, no clue of missing person could be found.

It is also stated in this affidavit that untraced report was prepared by the police and it was submitted before the trial Court or returned to the concerned police officials for further investigation. However, no such order have been placed on record.

In view of the same, the learned State counsel, on instructions from ASI Harpreet Singh, submits that untraced report shall be presented before the trial Court/Illaq Magistrate, Pathankot within a period of four weeks from today. It will be open for the petitioner/complainant to move an appropriate application before the trial Court under Section 173(8) Cr.P.C. for further investigation, if so advised or to file a protest petition in accordance with law.

This petition is dismissed as infructuous, at this stage.

(ARVIND SINGH SANGWAN)
JUDGE

25.01.2018

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No