

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

CRM-M-53489 of 2018.

Decided on:- December 04, 2018.

Shekhar Chander Saini.

.....Petitioner.

Versus

State of Punjab and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Ritesh Pandey, Advocate
for the petitioner.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for issuance of directions to the respondents No.2 and 3 to transfer the investigation in FIR No.170 dated 09.10.2018 under Section 306 IPC registered at Police Station Dinanagar, District Gurdaspur on the ground that respondent No.5-ASI Jagdish Singh, who is also one of the main accused in the said case is posted in the same Police Station and is hampering the investigation.

Learned counsel for the petitioner contends that Harjinder Singh, who was brother of the petitioner had committed suicide as one Jyoti wife of Nirmal Saini, who belongs to the same village, used to harass him. Respondent No.5 has illicit relations with Jyoti and respondent No.5 is posted at Police Station Dinanagar i.e. the same police station, where the aforesaid FIR had been registered.

He further contends that since the petitioner is not expecting fair investigation in the FIR, he had made a representation dated 09.11.2018 (Annexure P-2) to the senior police officers including respondent No.3 i.e. Senior Superintendent of Police, Gurdaspur. At this stage, the petitioner would be satisfied in case a direction is issued to respondent No.3 to transfer the investigation of the aforesaid FIR from Police Station Dinanagar to any other Police Station.

Notice of motion to respondents No.1 to 3 only at this stage.

On asking of the Court, Mr. Jagmohan Ghumman, Deputy Advocate General, Punjab accepts notice on behalf of these respondents.

Let requisite number of copies of paper book be given to learned State counsel during the course of the day.

Having heard learned counsel for the parties and perusing the FIR, it is apparent that the allegation against respondent No.5 ASI Jagdish Singh is that he has relations with accused Jyoti and for this reason, said Jyoti and respondent No.5 used to harass deceased Harjinder Singh, who was brother of the petitioner. Since respondent No.5 is posted in the same Police Station, where the FIR was registered, this Court finds that the apprehension of the petitioner that he may not get a fair investigation cannot be lightly ignored.

Therefore, without observing anything on the merits of the case, but in order to have a fair investigation in the case, respondent No.3 Senior Superintendent of Police, Gurdaspur is directed to transfer the investigation in

the aforesaid FIR to any other Police Station except the Police Station, where respondent No.5 ASI Jagdish Singh is posted.

The present petition, accordingly, stands disposed of.

December 04, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No