

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.239

CRM-M-13157-2018 (O&M)

Date of decision : 9.1.2019

Shawinder Singh

..... Petitioner

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. KS Dadwal, Advocate, for the petitioner.

Mr. K.S. Sidhu, DAG, Punjab

Mr. Pankaj Bhardwaj, Advocate, for respondents No.6 to 8.

SUDHIR MITTAL, J. (Oral)

Through this petition filed under Section 482 Cr.P.C., the petitioner seeks transfer of investigation of FIR No.19 dated 10.3.2016, under Sections 324, 323, 504, 148, 149 IPC (Section 326 IPC added later on) and the investigation into DDR No.45 dated 10.3.2016 to an independent agency with a further direction to the said independent agency to constitute a Special Investigation Team headed by an IPS Officer not below the rank of Inspector General of Police.

There appears to be a long-standing dispute regarding partition of land between the petitioner and respondents No.7 and 8. Allegedly, on 6.3.2016, the petitioner alongwith his accomplices attacked respondent No.6 (servant of respondents No.7 and 8) and inflicted injuries upon him. According to the petitioner, respondents No.7 and 8 alongwith their henchmen attacked one Ranjit Singh (belonging to the party of the petitioner). FIR No.19 dated 10.3.2016, was registered on the complaint of respondent No.6 at 8.59 P.M., whereas DDR No.45 was registered on the same date at 10.50 P.M. According to the petitioner, the police was colluding with respondents No.7 and 8 on account of the fact that respondent

No.7 was a retired Deputy Superintendent of Police and respondent No.8 was serving as Assistant Sub Inspector in the office of Director General of Police, Punjab. In support of this argument, reference has been made to a report dated 15.6.2016 submitted by the Deputy Superintendent of Police, Garhshankar, recommending filing of an application submitted by the petitioner earlier because respondents No.7 and 8 had allegedly trespassed into his land. Representation dated 12.4.2017 (P7) was submitted before the Deputy Inspector General, Jalandhar Range, but allegedly no action has been taken thereupon. Therefore, the petitioner approached the commission of enquiry, but failed to get any relief.

Learned counsel for the petitioner submits that keeping in view the fact that his opponents are closely related with the Punjab Police as well as the conduct of the investigating agency, this is a fit case for ordering a re-investigation by an independent agency. It is submitted that challan has been presented on 13.6.2018 in which DDR No.45 has been recommended to be cancelled, but proceedings are going on against the petitioner and this fact supports his contention.

Learned State counsel as well as counsel for respondents No.6 to 8 vehemently oppose the prayer of the petitioner. According to them, the facts of this case show that the police has acted without any bias and has faithfully conducted the investigation. Moreover, the challan having been presented, the petitioner has the alternate remedy of seeking further investigation as well as of filing an objection petition.

At this stage, counsel for the petitioner submits that he may be permitted to avail the alternative remedy.

Prayer of counsel for the petitioner is accepted. The petition is

dismissed as not pressed with liberty to the petitioner to avail any other

alternative remedy(s) available to him in law. Any observation made in this order will not come in the way of the petitioner in case he avails his alternative remedy(s).

(SUDHIR MITTAL)
JUDGE

9.1.2019
Ramandeep Singh
Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No