

243 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17767-2017 (O&M)

Date of decision:20.03.2019

Avtar Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. A.S.Syan, Advocate
for the petitioner.

Mr. K.S.Aulakh, DAG, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition is for directing the respondents No.1 to 3 to hand over the enquiry / investigation of the case FIR No.11, dated 09.02.2017, under Sections 307, 212, 216, 148, 149 of IPC and Section 25 of Arms Act, registered at Police Station Sadar Ahmedgarh to some independent agency.

Vide order dated 25.05.2017, the Senior Superintendent of Police, Sangrur was directed to file his affidavit and the same was filed. Thereafter, the Director General of Police, Punjab had also filed a reply dated 24.05.2017. The affidavit filed by the Director General of Police, Punjab states that the investigation of the case had already been carried out. During the investigation, two persons, namely, Buta Khan and Gahiya Khan, who were arrested in some other case, were also found involved in this case.

Referring to the affidavits filed by the police officials; learned counsel for the State submits that on secret information, raid was conducted in connection with FIR No.13 dated 08.02.2017, under Sections 307, 34 of IPC and Section 25 of Arms Act, registered at Police Station City-2,

Malerkotla. There were six persons at the spot. Out of those, three persons were arrested from the spot, two persons, namely, Buta Khan and Gahiya Khan had fled from the spot and the 6th person was shot by the accused in the prevailing confusing. Subsequently, in another FIR No.19, dated 11.02.2017 under Sections 307, 148, 149 of IPC and Section 25 of Arms Act, registered at Police Station Makhu, District Ferozepur, Buta Khan and Gahiya Khan were also arrested. These two persons had also admitted their participation in the incident, in which, one person, as mentioned above, had expired. Accordingly, they were also found to be involved in the present case. A pistol of .315 bore was recovered from the spot. The injury found on the deceased was corresponding to the bore of the recovered pistol. Accordingly, the challan was filed against five persons, including the son of the petitioner. Charge has also been framed in the case on 22.05.2018; under Section 302 of IPC. Now the case is pending at the stage of recording of the statements of the accused under Section 313 Cr.P.C.

On the other hand, learned counsel for the petitioner submits that the case against the son of the petitioner is concocted. In fact, this was a fake encounter, in which, the police persons had killed the deceased. Just to avoid their responsibility, the accused including the son of the petitioner, have been named as the accused.

Since the present trial qua the offence involved in the FIR is almost over, therefore, this Court does not find any ground to freshly initiate any preliminary inquiry into the matter or to continue with any such exercise at this stage. Hence, no further orders are required to be passed at this stage. Hence, the present petition is disposed of.

However, since the petitioner has a grouse that his son has been wrongly involved in this case, therefore, he would be at liberty to initiate proceedings or avail any other remedy in accordance with law, if available to him and if so desired by him.

(RAJBIR SEHRAWAT)
JUDGE

20.03.2019
Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No