

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

CRM-M-14433-2019 (O&M)

Date of decision : 17.07.2019

Harmesh Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.S. Bajaj, Advocate for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

ANIL KSHETARPAL, J. (ORAL)

Purpose of fair and impartial investigation is to ensure that the investigation should be carried out by a person who is absolutely impartial, unbiased and unmotivated. Because the requirement of Investigating Officer is to bring out “the real unvarnished truth” which will be possible only when investigation is to be conducted properly. Fairness of investigation is important not only for the accused but even for the victim.

Fair investigation and fair trial are concomitant which is not only be done but also seen to be done for preservation of fundamental right of an accused under Article 21 of the Constitution of India.

Facts of this case show that prima facie the local police is not carrying out the investigation in proper and expeditious manner. Deceased Darshan Singh before dying had given a statement in the presence of Doctor

that he has been administered some poisonous substance by Bittu Dhir and his son forcibly. Even after finding that case under Section 302 of IPC is to be registered, case under Section 306 of IPC was registered.

As per status report filed, a Special Investigating Team was constituted by the local Senior Superintendent of Police.

Petition in this Court was filed alleging that Senior Superintendent of Police, Kapurthala is pressurizing brother of the deceased to enter into a settlement and allow this case to wither away. In the status report dated 24.04.2019 filed under the signatures of Deputy Superintendent of Police, Sub Division Sultanpur Lodhi, District Kapurthala, it has been pointed out that Special Investigating Team is investigating the matter and repeated summons have been sent to the first informant but he is refusing to appear. However, it is admitted that the complainant and other witnesses of the complainant have sent their statements in writing through registered post.

Petitioner has alleged that members of the Special Investigating Team want presence of the complainant so as to put pressure on him. In the new status report, it has been pointed out that fresh Special Investigating Team was constituted on 01.04.2019 which is still investigating the matter.

Learned counsel for the State has pointed out that on 09.04.2019, report of the Chemical Examiner, Government of Punjab, has been received confirming the presence of Aluminum Phosphide Insecticide in viscera of the deceased late Darshan Singh.

Keeping in view the fact that for the last 7 months, very little progress has been made in the investigation and FIR under the correct

provisions of law has also not been registered, therefore, there is some substance in the apprehension expressed by the petitioner.

Keeping in view the aforesaid facts, Additional Director General of Police, Crime Bureau is requested to constitute a Special Investigating Team under the supervision of the Inspector General of Police, Crime Bureau. The newly constituted team is requested to finalize the investigation positively within a period of six months.

In view of the above, the present petition is disposed of.

17.07.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No