

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

CRM-M-47093-2018

Date of decision: 02.04.2019

Manjeet Kaur**...Petitioner****Versus****State of Punjab and others****...Respondents****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Kashish Garg, Advocate for
Mr. Tarun Singla, Advocate
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for transfer of investigation of case FIR No. 0145 dated 07.07.2017, registered under Sections 306 and 34 of the IPC at Police Station Canal Colony, Bathinda, to some other independent agency.

As per the averments made in the petition, the husband of the petitioner and respondent Nos. 5 and 6 had a dispute about the apportionment of amount received on account of acquisition of their land, wherein respondent Nos. 5 and 6 delayed paying the same to husband of the petitioner and stated that they will make the payment only after the husband of the petitioner, namely Kaur Singh, will get the land partitioned. On 07.07.2017, husband of the petitioner set himself on fire by pouring diesel on his body which resulted into receiving multiple burn injuries and later on, he died in the hospital. Thereafter, on the statement of the petitioner, aforesaid FIR was registered against respondent Nos. 5 to 8. Learned counsel for the petitioner has argued that there is no stay of arrest of respondent Nos. 5 to 8, the police is not arresting them despite the fact that their anticipatory bail application

was dismissed.

Reply, by way of affidavit of DSP, City-1, Bathinda, is on record and as per the same, after registration of the FIR, petitioner as well as private respondents submitted as many as nine complaints against each other as detailed in Para 9 of this reply and thereafter, Senior Superintendent of Police, Hq., Bathinda got a detailed inquiry conducted on various complaints received in his office and after obtaining the report of the District Attorney (Legal), he recommended for the further investigation of the FIR, vide inquiry dated 28.05.2018. It is also stated in the reply that during inquiry, the petitioner and his brother had submitted an affidavit dated 17.07.2017 stating that the mental condition of deceased Kaur Singh was not good due to dispute over partition of the land between the brothers and he was undergoing medical treatment for his ailment and there is no involvement of respondent Nos. 5 and 6. It is, thus, submitted that the police has prepared a cancellation report which is also recommended by the DSP, City-1, Bathinda.

Learned State counsel, on instructions from HC Kulwinder Singh, has submitted that cancellation report will be presented before the Illaqua Magistrate within a period of one month from today.

In view of the above, no further orders are called for in the present petition and the same is disposed of accordingly.

However, liberty is granted to petitioner to file complaint/protest petition before the Illaqua Magistrate, if so advised.

02.04.2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No