

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

**CRM-M-49610-2017 (O&M)
Date of decision : 10.01.2019**

Gurmit Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. K.S. Dadwal, Advocate for the petitioner.

Ms. Sunint Kaur, AAG, Punjab.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Report of the Cyber Crime dated 10.10.2018 is already placed on file.

Petitioner-Gurmit Kaur aged about 60 years has approached this Court by way of present petition filed under Section 482 of the Code of Criminal Procedure for transferring the investigation in case FIR No. 0181 dated 9.11.2017 under Section 380 of the Indian Penal Code registered at Police Station Dasuya, District Hoshiarpur (Annexure P-5) to some IPS officer or some constitution of SIT.

A perusal of the FIR shows that as per version of the petitioner-complainant-Gurmit Kaur, his son has gone abroad, whose wife namely Satwinder Kaur along with her two children was residing with complainant-petitioner. Satwinder Kaur was having illicit relations with Harsharanjit

Singh. On the night intervening 17/18.10.2017, Satwinder Kaur has gone away with Harsharanjit Singh leaving behind her children with the complainant-petitioner. It is further alleged that on checking, it was found that Rs. 50,000/- and gold ornaments of the complainant-petitioner are missing.

Learned counsel for the complainant-petitioner further relies that before leaving Satwinder Kaur had administered sleeping pills to the complainant-petitioner and her children. It is stated that police registered the case under Section 380 of the Code of Criminal Procedure. When both the accused applied for anticipatory bail, police raised no objection and they were granted anticipatory bail by the Additional Sessions Judge, Hoshiarpur. It is further contended that police is not properly investigating the case. Even in the report of the Cyber Crime, it is stated that no record regarding calls is traceable. After going through the file, I am of the view that apparently, the police has taken a casual view of the matter. The matter was not properly investigated and also not taken to a logical conclusion. The matter needs to be investigated by some other agency of the State.

As such, investigation of FIR No. 0181 dated 9.11.2017 under Section 380 of the Indian Penal Code registered at Police Station Dasuya, District Hoshiarpur (Annexure P-5) is withdrawn from police station, Dasuya, District Hoshiarpur and transferred to Bureau of Investigation, Punjab, Chandigarh for investigation. Entire record of the case be handed over to the transferee agency. In this case, investigation shall be entrusted to an IPS Officer who shall try to conclude the investigation expeditiously.

The Senior Superintendent of Police, Hoshiarpur is also directed to look into the threat perception and if required give protection to the petitioner and her grand children and ensure that their life and liberty is protected.

Disposed of as above.

10.1.2019
preeti

(KULDIP SINGH)
JUDGE

Whether speaking / reasoned	Yes
Whether Reportable:	No