

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

CRM-M-41453-2019
Date of decision-22.10.2019

Vs.

State of Punjab and others **...Respondents**

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Puja Chopra, Advocate for the petitioners.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 482 Cr.P.C for issuance of directions to official respondent Nos.1 and 2 to hand-over the investigation of case FIR No.275 dated 28.11.2018 registered under Section 420 Indian Penal Code, 1860 at Police Station Civil Lines, Bathinda, District Bathinda to CBI/Crime Branch and any other impartial and independent investigating agency.

On 26.09.2019, the following order was passed:-

“Mr. Hittan Nehra, Addl.AG, Punjab is directed to find out the status of investigation in FIR No.275 dated 28.11.2018 registered under Section 420 of Indian Penal Code at Police Station Civil Lines, Bathinda, District Bathinda.

Counsel for the petitioner undertakes to supply three sets of paper book to the learned State

counsel, during the course of the day.

Adjourned to 22.10.2019.”

In response to the above order, the status report by way of an affidavit of Aaswant Singh, PPS, Deputy Superintendent of Police, City-2 Bathinda on behalf of respondent-State has been filed in the Court today wherein it is mentioned that after completion of investigation, un-traced report dated 20.03.2019 under Section 173 Cr.P.C has already been filed in the Court of learned Judicial Magistrate, Bathinda. It is apprised that the case is now fixed for 11.11.2019 for appearance of complainant (petitioner).

Learned counsel for the petitioner was confronted with the above situation, as the investigation is complete and the petition for transfer of investigation is rendered infructuous.

At this stage, learned counsel for the petitioner insists for re-investigation of the case and has placed reliance upon the judgments rendered in ***Vinay Tyagi Vs. Irshad Ali @ Deepak and others, 2013 (2) R.C.R. (Criminal) 197*** and ***Chandra Babu Vs. State through Inspector of Police & Others, 2015 (3) R.C.R. (Criminal) 606.***

In the cited cases, there were two reports by two different agencies wherein it was held by the Hon'ble Supreme Court that the power to order re-investigation and fresh investigation vests with the constitutional Courts. The said principle is not disputed, however, in the present case, learned counsel is neither aware about the contents of the final report submitted by the Police nor the said report is on record.

In view of the above, this Court does not find any reason to

invoke the inherent powers under Section 482 Cr.P.C at this stage as the petitioner has the remedy to raise the issues before the Court at the time of consideration of final report under Section 173 Cr.P.C.

Resultantly, petition is dismissed.

(MANOJ BAJAJ)
JUDGE

22.10.2019
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No