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

**CRM-M-5616-2010 (O&M)
Date of Decision: 13.01.2020**

**Dr. Sukhwinder Singh Khaira
Vs.**

.. Petitioner

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

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

Mr. Prabhjot Singh Walia, Asstt. A.G, Punjab.

Mr. Nischal Mann, DAG, Haryana.

Ms. Kaavya Jariyal, Advocate for
Mr. Sumeet Goel, Advocate
for respondent No.3.

Mr. J.S. Bedi, Sr. Advocate with
Mr. Lovekirat Singh, Advocate
for respondent No.4.

...

Manoj Bajaj, J.

This petition has been filed by the petitioner under Section 482 Cr.P.C. for handing over of investigations in case FIR No.140 dated 18.04.2007 under Section 307 IPC, registered at Police Station Pehowa, District Kurukshetra and FIR No.125 dated 26.05.2007, under Sections 436, 427, 148 and 149 IPC, registered at Police Station Sadar, Jalandhar to an independent agency, like the CBI.

During the course of hearing, it is not disputed by the learned counsel for the parties that the investigation in the subject FIRs was concluded and the respective untraced reports were filed before the Court of competent jurisdiction by the State of Haryana on 15.10.2007 and State of Punjab on 24.03.2011. It is pointed out by Mr. Nischal Mann, DAG,

Haryana, on instructions from SI Hansraj that the untraced report was accepted by the Court vide order dated 01.02.2014. Similar is the stand of Mr. P.S. Walia, AAG, Punjab, who on instructions from ASI Harpal Singh submits that the untraced report was accepted by the Court on 29.09.2011.

Mr. R.S. Bains, learned counsel for the petitioner does not dispute the fact that the untraced report in both the FIRs stood accepted as apprised by the learned counsel for the State. It is explained by him that the petitioner did not receive any notice from the Court of competent jurisdiction before acceptance of the untraced report. However, he is unable to substantiate this argument as according to him, his client (the petitioner) is not in touch with him for the last approximately 4-5 years.

At this stage, Mr. J.S. Bedi, learned Senior counsel appearing on behalf of respondent No.4 contends that in case FIR No.140 dated 18.04.2007, the petitioner is not the complainant, whereas in another FIR No.125 dated 26.05.2007, the brother of the petitioner is the complainant.

In view of the above, the petition for transfer of investigation in the above FIRs has been rendered infructuous and is disposed off as such.

13.01.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No