

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

Criminal Writ Petition No. 5712-2020

Date of decision:-02.09.2020

Kaka Singh ..petitioner

Versus

State of Punjab and others ..respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Ravi Gakhar, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab

ARCHANA PURI, J.(ORAL)

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

Heard.

ASI Gaurav Sharma, who is the Investigating Officer, has appeared through video conferencing and his identity has been established by Mr. Sukhbeer Singh, AAG, Punjab. He has stated about fair investigation being conducted in the present case. Even additional affidavit of Gurbakshish Singh, PPS, Dy. Superintendent of Police, Derabassi has been filed by the State counsel and the same is brought on record.

Through the present petition, the grievance of the petitioner is that Gurpreet Kaur daughter of the petitioner went missing. However, the police is not making efforts to trace Gurpreet Kaur, daughter of the petitioner. Even though the petitioner had filed a complaint before the police authorities, copy whereof is Annexure P-2 but no action has been taken.

It is pertinent to mention that at earlier instance, status report was called vide order dated 07.08.2020 and the same was brought on record in the form of affidavit of Gurbakshish Singh, PPS, Dy. Superintendent of Police, Derabassi wherein besides mentioning about the manner of missing of Gurpreet Kaur to be not in the manner as asserted by the complainant, it has also been mentioned that ultimately, FIR No. 133 dated 17.8.2020, under Sections 363, 342 and 346 IPC, Police Station Lalru had been registered and the investigation is going on in the present case. Also in the status report, it was stated that the petitioner has levelled false allegations against respondents No. 4 to 8 and the police officials in the present petition without any basis and during enquiry the said respondents are not found involved. However, in pursuance of filing of the status report, reply in the form of affidavit of Kaka Singh was filed, wherein besides giving certain clues about the manner in which Gurpreet Kaur went missing, it has also been asserted that the faulty investigation is being conducted by the police authorities.

Today, in consonance with the order dated 27.08.2020, ASI Gaurav Sharma, who is the Investigating Officer has made appearance through video conferencing and has assured of fair investigation in the present case. Even additional affidavit of Gurbakshish Singh, PPS Dy. Superintendent of Police, Derabassi has been brought on record and from the same, it is evident that one Mandeep Singh alias Mogli has been arrested in the present case and accusations have been worked upon vis-à-vis the phono-connectivity between Mandeep Singh and the victim with the *Bhabhi* of the victim. It shall not be appropriate, at this stage, to comment upon the roles assigned to private respondents No.6,7 and 8, lest it may cause damage to the prosecution as well as the defence version.

However, the Investigating Officer Gaurav Sharma, ASI has assured about the investigation to be conducted in a fair and proper manner.

In view of the aforesaid, the present criminal writ petition is hereby disposed of with a direction to the State Authorities to conduct fair and proper investigation in the FIR relating to the missing of the daughter of the petitioner- Kaka Singh and to take further action in accordance with law. If at all, the petitioner has any grievance, he has the option to move representation to the concerned authorities, which shall be looked into by the official respondents in accordance with law.

In view of the aforesaid terms, the instant criminal writ petition stands disposed of.

September 02, 2020

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(ARCHANA PURI)

JUDGE

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**