

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

CWP-17109-2020 (O&M)
DATE OF DECISION: 15.10.2020

Gurdeep Kaur
Vs.
State of Punjab and Others

.... Petitioner.
.....Respondents

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Baltej Singh, Advocate, for the petitioner.

ALKA SARIN, J (Oral)

Heard through Video Conferencing.

The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the official respondents to hand over the investigation of FIR No.102 dated 09.06.2020 registered at Police Station Sadar, Sri Muktsar Sahib under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act') to some independent agency.

In brief the case set up by the petitioner herein is that the son of the petitioner has falsely been implicated in a case under the NDPS Act. It is further the case set up in the petition that the son of the petitioner is innocent and that he had applied for regular bail, which was allowed by the Additional Sessions Judge-cum-Special Charge, Sri Muktsar Sahib vide order dated 06.07.2020. It is averred in the petition that vide Annexure P-7, a detailed application was made to respondent No.3 for holding an independent inquiry into the FIR. On the basis of the application made by the petitioner a Special Investigating

Team (SIT) has been constituted. However, one of the members of the SIT is Malkeet Singh Bhatti, who is the Station House Officer of the Police Station where the FIR is registered.

Notice of motion.

On the asking of Court, Ms. Kanica Sachdeva, Assistant Advocate General, Punjab has put in appearance through video conferencing and accepts notice on behalf of the respondent-State. She, on instructions from Rajpal Singh Hundal, SP(D), stated that as far as the grievance of the petitioner that the SHO, Sadar, Sri Muktsar Sahib is part of the SIT, the same no longer survives inasmuch as he is no longer a part of the SIT and he has been replaced. She further states that the SIT has not been able to give its report due to the fact that the members of the SIT were found to be COVID-19 positive and hence the delay in preparing the report. She has further stated that the said report would be prepared within a week's time from today and that all the grievances raised by the petitioner in the present petition would also be looked into by the SIT before giving the report.

In view of the above, no further orders need to be passed in the present case.

The petition is disposed off, accordingly.

October 15, 2020
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(ALKA SARIN)
JUDGE

NOTE:

Whether speaking/non-speaking: Yes/No
Whether reportable: Yes/No