

**In the High Court of Punjab and Haryana at Chandigarh**

**CRM-M No. 35801 of 2021  
Date of Decision: 11.11.2021**

Kulwinder Singh Babbal

.....Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR**

Present: Mr. Vivek K. Thakur, Advocate  
for the petitioner.

Mr. H.S.Grewal, Addl. A.G., Punjab.

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**SURESHWAR THAKUR, J. (ORAL)**

(Through video conferencing)

1. FIR bearing No. 101 of 27.12.2016, constituting therein offences embodied in Sections 295-A, 120-B, 506 IPC, and, Section 25 of the Arms Act, 1959, is lodged at Police Station Subhanpur, District Kapurthala, against co-respondents No. 6 to 8.

2. Through the instant petition, cast under Section 482 Cr.P.C., the petitioner prays, that since co-respondents No. 6 to 8 are influential political big-wigs, therefore, there is every apprehension of exertion of undue influence, and, pressure upon the investigating officer concerned, and, that hence, the investigation be transferred from the investigating agency concerned, hence presently conducting the investigation of the case, to the CBI.

3. Learned Additional Advocate General, appearing on behalf of the State of Punjab, has brought to the notice of this Court Annexure P-6.

Therein, unfoldings are borne that the investigating officer, after completing

investigations of the case, has filed cancellation report, before the learned Magistrate concerned. However, it is also apparent, on a reading of Annexure P-11, that the learned Magistrate concerned has not accepted the closure report, as presented before her, by the investigating officer, rather has proceeded to make a direction to the investigating officer, to make further investigations into the case.

4. Since the learned Magistrate concerned, after rejection of the cancellation report, as presented before her, by the investigating officer, has ordered for further investigations, by the investigating officer into the offences (*supra*). Therefore, it appears that there is also some dissatisfaction working in the mind of the learned Magistrate concerned, about the fairness and impartiality of the investigation, conducted into the offences (*supra*) by the investigating officer concerned. Consequently, the order, for further investigation, into the offences (*supra*), as made by the learned Magistrate concerned, upon the investigating agency concerned, does at this stage, take care of the apprehension reared before this Court, by the learned counsel for the petitioner, that the investigations may *prima facie* not have been conducted in an impartial, and, in a fair manner.

5. However, since the learned Magistrate concerned, has made the afore direction to the investigating officer concerned, therefore, upto completion of the further investigation, by the investigating officer concerned, it is not deemed fit and appropriate, at this stage, for this Court, to make an order for transferring the investigation into the offences (*supra*) by an agency, other than the investigating officer concerned, attached with Police Station Subhanpur, Kapurthala.

6. Needless to say that the reason being, that in case the

investigating officer concerned, yet deems it fit to file a closure report against the accused concerned, the petitioner has the remedy to make a protest petition before the Magistrate concerned against the acceptance of the closure/cancellation report, as becomes prepared, and, also, thereafter, becomes filed before her. An additional reason for declining the relief, as claimed in the petition, is founded upon the factum that at that stage, the petitioner has a remedy to ask for transfer of the investigations, from the local police, to the CBI.

7. The petition is disposed of.

**(SURESHWAR THAKUR)**  
**JUDGE**

**November 11, 2021**  
**Gurpreet**

**Whether speaking/reasoned : Yes**  
**Whether reportable : Yes**