

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

220-CRM-M-12577-2019

Date of Decision: 19.12.2022

Kaushalender Vikram Shukla

... Petitioner

VS.

State of UT Chandigarh

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Divij Datt, Advocate for
Mr. HS Sidhu, Advocate for the petitioner

Mr. Mohit Rana, Advocate for
Mr. CS Bakshi, APP, UT, Chandigarh.

Sandeep Moudgil, J. (Oral)

The petitioner seeks a direction to refer the investigation of FIR No.304 dated 12.10.2017 under Section 307/302 IPC registered at Police Station Industrial Area, Chandigarh.

It is averred that the case relates to the murder of son of the petitioner and, therefore, since no headway is being made in the investigation and the local police is not conducting the investigation properly, the same be transferred to some independent agency.

A perusal of the case file shows that vide order dated 18.03.2019, notice of motion was issued and reply was called upon and thereafter, vide order dated 01.08.2019, status report was called upon with regard to investigation conducted in the case.

In pursuance to the aforesaid order, the status report dated 16.11.2019 was filed by Dilsher Singh Chandel, DSP (East), Chandigarh Police, Chandigarh stating that the complainant-petitioner joined the investigation on several occasions on 12.10.2017 (twice), 05.05.2019, 30.09.2019 and 03.10.2019 to assist the investigating agency. The Call Detail

Reports (CDRs) of the colleagues of the deceased and other persons, so pointed out by the complainant-petitioner, were also scrutinized by investigating agency but unfortunately, could not yield any breakthrough in the case.

In fact, a perusal of the reply filed by UT Chandigarh, vide para 5, step-wise progress of investigation and the manner in which, it has been conducted, stands elaborated.

Mr. Mohit Rana, Advocate appearing on behalf of Mr. CS Bakshi, APP, UT Chandigarh has produced copy of order dated 24.04.2022 passed by CJM, Chandigarh, according to which, the untraced report was filed by APP for the State of UT and the same stands accepted by the complainant, who was present in Court, by recording a separate statement in that regard. The CJM, Chandigarh has considered the untraced report, along with statement of complainant-petitioner and the facts incorporated therein, which was accepted and the case file was ordered to be filed to the judicial record room.

A perusal of the said order further makes it crystal clear that liberty has been granted to the complainant or to the police for re-opening the investigation, as and when, some clue of the culprit or any fresh material, is found.

In the light of the aforesaid facts and circumstances, nothing survives in the present petition, at this stage.

Disposed of.

19.12.2022

V.Vishal

1. Whether speaking/reasoned?

2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No

Yes/No