

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

205

**CRM-M-24705 of 2021
Date of Decision:07.02.2022**

Isha Batta

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

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

Mr. Saurav Khurana, DAG, Punjab

Mr. Vishal Gupta, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

Vide this petition, the petitioner seeks the concession of 'pre-arrest bail' under the provisions of Section 438 of the Cr.P.C., upon FIR no.30, dated 03.02.2020, having been registered at Police Station City Khanna, District Ludhiana, alleging therein the commission of offences punishable under Sections 306 and 34 of the IPC

On 02.12.2021 the following order had been passed by this court:-

“Case heard via video conferencing.

Though learned State counsel submits, on instructions from ASI Jagtar Singh, i.e. the investigating officer in the case, that the petitioners' custodial interrogation is not required any further, the petition is not being disposed of today, with the SSP, Khanna, directed to file a short affidavit as to the outcome of the inquiry proceedings against the investigating officer who was found to have not even conducted basic investigation earlier.

It is made clear that obviously inquiry proceedings would proceed as per the evidence led before the inquiry officer but simply to determine as to whether they have been taken to their logical conclusion and are not “white washed” simply on account of disposal of this petition, the aforesaid direction is being given to the SSP.

Adjourned to 07.02.2022.

Interim order to continue till then.”

Pursuant thereto, an affidavit has been filed by the SSP, Police District Khanna, dated 01.02.2022, which is ordered to be taken on record.

It is stated therein that after ASI Surajdeen was found to have not conducted the investigation properly, a departmental enquiry was ordered against him, which has now been concluded and he has been imposed a punishment of forfeiture of one years' service with permanent effect.

That being so, nothing further needs to be stated by this court in this petition, with the learned State counsel in any case having submitted on the last date of hearing that the petitioners' custodial interrogation is not required.

Consequently, without making any comment on the actual merits of the case, the petition is allowed, with the interim order made absolute even in terms of the ratio of the judgment of the Supreme Court in **M.C. Abraham v. State of Maharashtra (2003) 2 SCC 649.**

Naturally, if the complainant is aggrieved in any manner, of lack of proper investigation, he would be always at liberty to avail of his remedy as per law.

February 07, 2022
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No