

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

249

CRM-M-51804-2018  
Decided on :14.07.2022

Nazar Singh

. . . Petitioner

Versus

State of Punjab and others

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

PRESENT: Mr. J. S. Dadwal, Advocate  
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Rajeev Anand, Advocate  
for the respondent-CBI.

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**VIKAS BAHL, J. (Oral)**

The present petition has been filed under Section 482 Cr.P.C. for issuance of directions to respondents No. 1 to 3 to hand over the investigation of the case FIR No. 118 dated 16.09.2011 under Section 302 of the Indian Penal Code, 1860 registered at Police Station City Phagwara, District Kapurthala pertaining to the murder of the petitioner's son namely Tejinder Singh aged 41 years, to CBI.

Learned counsel for the petitioner has submitted that the abovesaid FIR has been registered with respect to the murder of the son of the petitioner and earlier, the petitioner had filed CRM-M-22155-2013 with a similar prayer and a coordinate Bench of this Court had disposed of the said petition vide order dated 25.08.2015 (Annexure P-11) by observing that the investigation would be conducted under the supervision of DIG (crime), Punjab Police, Head Quarters, Sector-9, Chandigarh. It

was further submitted that although, the petition was disposed of with liberty to file a fresh petition in case any cause of action still survives. It is argued that inspite of the above order, the respondents have not been able to catch the real culprits and rather has submitted a status report dated 13.07.2022 in the Court today in which it has been submitted that an untraced report has been prepared in the case. It is further argued that even as per the said status report, one Kamlesh Sharma D/o Late Vijay Kumar was present during the course of investigation with the deceased Tejinder Singh and since, the said Kamlesh Sharma was concealing the truth, thus, an application made before the Court of SDJM for conducting narco analysis test of Kamlesh Sharma and the said Court vide order dated 07.07.2015 had directed that the said narco analysis test would be conducted but the same was not conducted and it is, thus, submitted that the case has not been duly investigated. It is, thus, prayed that the case be transferred to any independent agency and a senior IT Officer may conduct fresh investigation.

Learned State counsel, on the other hand, has submitted that every possible efforts have been made to conduct the investigation and after the same, an untraced report has been prepared.

This Court has heard learned counsel for the parties and has perused the paperbook.

A coordinate Bench of this Court vide order dated 25.08.2015 had disposed of the earlier petition filed by the petitioner on the basis of the statement made by learned State counsel that the investigation into the death of the son of the petitioner would be conducted under the

supervision of DIG (crime), Punjab Police, Head Quarters, Sector-9, Chandigarh and liberty was granted to the petitioner to file a fresh petition in case any cause of action survives. A fresh petition has been filed and as per the reply dated 13.07.2022, it has been stated that the cancellation report has been prepared and inspite of the orders passed by the SDJM, the narco analysis test of Kamlesh Sharma has not been conducted.

Keeping in view the abovesaid facts and circumstances, this Court deems it appropriate to transfer the investigation of FIR No. 118 dated 16.09.2011 under Section 302 of the Indian Penal Code, 1860 registered at Police Station City Phagwara, District Kapurthala with respect to the death of the son of the petitioner to the Bureau of Investigation, Punjab and the Director of Bureau of Investigation, Punjab is directed to mark the said case to some senior IPC Officer.

Respondents No. 1 to 3 are directed to handover the relevant papers to the Director of Bureau of Investigation, Punjab as expeditiously as possible.

Accordingly, the present petition is disposed of in the above terms.

(VIKAS BAHL)  
JUDGE

July 14<sup>th</sup>,2022  
*Mehak*

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| Whether reasoned/speaking? | Yes/No |
| Whether reportable?        | Yes/No |