

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

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Date of decision: 01.08.2022

CRM-M-905-2018

GURDEV SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND ORS

.....Respondents

(2)

CRM-M-6291-2018

NANJIT SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND ORS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- None for the petitioner(s)
in both cases.

Mr. Karanbir Singh, AAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. Considering that there has been no representation on behalf of the petitioner after 12.01.2018 or any of the dates when the matter was taken up, the case is being examined on merits.

2. The present petition has been instituted under Section 482 of the Code of Criminal Procedure, 1973 seeking fair, impartial investigation by some independent agency or an officer not below the rank of Senior Superintendent of Police in case bearing FIR No.0032 dated 02.02.2017 registered under Section 420 of the Indian Penal Code, 1860 and Section 13 of Human Smuggling Act at Police Station

Sadar, Police Commissionerate, Amritsar (Annexure P-1).

3. Pursuant to the order dated 12.01.2018, the reply by way of affidavit of Sudhanshu Srivastava, IPS, Commissioner of Police, Amritsar City on behalf of respondents No.2 to 3 had been filed. The relevant extract thereof reads thus:

“2. That it is respectfully submitted that in compliance with the order dated 12.01.2018 passed in the present petition by this Hon'ble High Court, the case file of the present case/FIR No. 32 dated 02.02.2017 under Section 420 of IPC read with Section 13 of the Punjab Prevention of Human Smuggling Act registered at Police Station Sadar, Amritsar City has been examined by the deponent personally and the matter with regard to the investigation being carried out in the present FIR has been discussed with its Investigating Officers Sh. Bal Krishan Singla, PPS, the then Assistant Commissioner of Police, North, Amritsar, Sh. Surinderpal, PPS, the then Assistant Commissioner of Police, North, Amritsar and Sh. Sarbjit Singh, PPS, Assistant Commissioner of Police, North, Amritsar.

3. That it is submitted that the present FIR has been registered against the accused Sanjeev Kumar alias Raja and Sunit Dutt on the basis of detailed enquiry conducted by Sh. Yadwinder Singh, PPS, the then Assistant Commissioner of Police, Central, Amritsar upon the applications moved by the present petitioner as well as other victims namely Vikas Sharma and Nanjit Singh as on the basis of facts revealed during the course of detailed enquiry, it was revealed that the aforementioned accused had duped the complainants Vikas Sharma, Nanjit Singh and Gurdev Singh (petitioner) on the pretext of sending their respective sons abroad.

4. That investigation of the present FIR was

firstly carried out by Sh. Bal Krishan Singla, PPS, the then Assistant Commissioner of Police, North, Amritsar since its registration and thereafter it was carried out by Sh. Surinderpal, PPS the then Assistant Commissioner of Police, North, Amritsar personally, which is now being carried out by Sh. Sarbjit Singh, PPS, Assistant Commissioner of Police, North, Amritsar-City. During the course of investigation, continuous raids were conducted on 27/3/17, 2/4/17, 24/4/17, 14/5/17, 2/6/17, 4/7/17, 27/7/17, 15/8/17, 15/9/17, 18/10/17, 22/12/17, 31/1/18, 15/5/18, 22/5/18, 26/6/18, 22/7/18, 11/9/18, 22/9/18 and 16/10/18 at residences of the accused and residences of their relatives and sincere efforts were made for arrest of the accused Sanjeev Kumar alias Raja and Sunil Dutt. But they could not be arrested.

5. *That it is submitted that as the accused have been evading their arrest and have gone under ground, thus, non bailable warrants of arrest were got issued against the accused Sanjeev Kumar alias Raja and Sunil Dutt from the court of Mrs. Ravi Inder Kaur, Ld. A.C.J.M Amritsar and Look Out Circulars were got issued to all the Airports in India in respect to the accused Sanjeev Kumar alias Raja and Sunil Dutt. Consequent thereupon, the accused Sanjeev Kumar, who arrived back to India from Malaysia, was arrested on 16.03.2018 from Trichy City Airport, Chennai in the present case. The final report (challan) under Section 173 Cr.P.C. against the accused Sanjeev Kumar of the present case has been presented on 11.05.2018 before the Ld. court of Illaqa Magistrate, which is pending for trial in the learned Court of Ms. Ravi Inder Kaur, Additional Chief Judicial Magistrate, Amritsar. Next date is fixed for 15.11.2018 for framing charges.*

4. *Learned Counsel appearing on behalf of the respondent-*

State further contends that thereafter the charge has already been framed and one witness has also been examined out of a total of 22 witnesses.

5. In view of the fact noticed above and considering that final report has already been filed, no further direction is required to be instituted.

Dismissed as having been rendered infructuous.

(VINOD S. BHARDWAJ)
JUDGE

AUGUST 01, 2022

Vishal sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No