

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

CRM-M-43983-2021 (O&M)

Date of decision: 27.01.2022

Abhishek Bakshi

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Navkiran Singh, Advocate for the petitioner.

Ms. Bhavna Gupta, DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Prayer in the present petition under Section 482 Cr.P.C. is for issuance of directions to respondent No. 2 i.e. D.G.P. Punjab, to constitute an SIT consisting of a Senior IPS Officer for conducting a free, fair and speedy investigation in case bearing FIR No. 80 dated 31.08.2021 registered under Sections 306 and 34 IPC, at Police Station Lambra, District Jalandhar Rural, and also to nominate all the accused persons as per the dying declaration (DVD Annexure P-3 and transcript Anneuxre P-4) of deceased Dharamvir Bakshi @ Dhamma-father of the petitioner.

As per the reply dated 04.12.2021, a Special Investigation Team comprising of (i) Superintendent of Police (Investigation), Jalandhar (Rural); (ii) Deputy Superintendent of Police (Special Crime, Jalandhar Rural); and (iii) SHO, Police Station Lambra, Jalandhar (Rural) was constituted by the

Senior Superintendent of Police, Jalandhar (Rural) vide order dated 24.09.2021. However, no mobile phone/device was produced by the complainant to the investigating agency.

On 07.12.2021, it was submitted by the learned State counsel that the phone as well as the original device of the deceased had not been handed over to the SIT and the learned counsel for the petitioner undertook to hand over the same to the SIT within one week.

Today, learned State counsel submits that a fresh SIT comprising of (i) Superintendent of Police, Headquarters; (ii) Deputy Superintendant of Police, PBI; and (iii) Inspector, EOW; Jalandhar (Rural), has been constituted by the Inspector General of Police, Jalandhar (Rural). Moreover, the original mobile phone handed over to the SIT, has been sent to the laboratory and on receipt of the report, the SIT would proceed further in accordance with law.

I have heard the learned counsel for the parties.

Since the report from the laboratory is still awaited, no further orders are called for in the petition and the same is disposed of.

However, the petitioner would be at liberty to file a fresh petition, if his grievances is not redressed.

(HARNARESH SINGH GILL)
JUDGE

27.01.2022
Mangal Singh

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