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

CRM-M-35861-2019

Date of decision:05.04.2022

KASHMIR SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. B.S. Baath, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. Through the instant petition a mandamus is asked for, to be made upon the respondents concerned, to form a SIT for conducting fair, and, taint free investigations into FIR No.0082, of 17.06.2019, registered at Police Station City Gurdaspur, constituting therein offences embodied under Sections 302/34 of the IPC. Since the afore prayer becomes accepted by the respondents concerned, to through theirs constituting a SIT, thereupon though, the afore made relief becomes completely mitigated. However, the learned State counsel submits, that any apprehension reared yet, by the petitioner against the investigations carried by the SIT concerned, and, appertaining to purportedly taint ridden or unfair investigations being conducted by the SIT, also becomes completely eclipsed, through a cancellation report being filed, by the SIT, before the learned Committal Court concerned.

2. In the wake of the afore, the learned counsel appearing for the petitioner has very fairly submitted, and, he has remedies to oppose the cancellation report filed before the learned Committal Court concerned, by the

head of the SIT, through his instituting a protest petition thereagainst. However,

he yet submits, that the officer heading the SIT may have chosen to not take to institute a cancellation report, if he had borne in mind the relevant narration carried in Annexure P-3, annexure whereof comprises the report of the chemical analyst, and, also had borne in mind the relevant echoings made in Annexure P-2, annexure whereof comprises the post mortem report, wherein occurring echoings, are contrary to the ones, as articulated, in the cancellation report, as made by the officer heading the SIT. Therefore, he submits that the cancellation report, and, the above annexures are irreconcilable.

3. Be that as it may, even the afore made prayer cannot be accepted, as yet it is open to the petitioner to, in the protest filed against the acceptance, of the closure report, make echoings in tandem therewith.

4. The learned Committal Court concerned, is directed to after hearing all concerned, upon the cancellation report concerned, and, upon the protest petition, pass lawful orders thereons.

5. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

05.04.2022

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