

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

CRWP-11222-2021

Date of Decision : April 04, 2022

Ishant Singh

..... Petitioner

vs

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. Surinder Thakur, Advocate for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

SURESHWAR THAKUR, J. (Oral)

1. Given the tardy and purported tainted investigations, by the Investigating Officer concerned into FIR No.244 of 11.10.2021, registered at Police Station Model Town, Hoshiarpur, constituting therein offences under Sections 323, 324, 148, 149, 427 and 326 IPC, hence the petitioner is driven to access this Court, for a direction being made, upon the co-respondents no.4 and 5, to speed up the pace of the investigation, and, or, to constitute a Special Investigating Team for the relevant purpose.

2. The mere tardiness of investigations being conducted by the Investigating Officer concerned into the FIR (*supra*), may not *per se* become a sufficient ground for this court to order for the change of the Investigating Officer, and, or for the co-respondent no.2 being directed to constitute an SIT. However the above order may become drawn by this court, only there are specific allegations of malafides against the

Investigating Officer concerned, and, also when despite existence of specific incriminatory evidence, with respect to the commission of incriminatory offences by the accused concerned, yet the Investigating Officer concerned, rather intentionally and deliberately failing to complete the investigation, inasmuch as despite the accused concerned being not admitted to anticipatory bail, his failing to, in accordance with law, rather draw appropriate coercive action(s), against the accused concerned.

3. However, the learned State counsel, on instructions submits, that since one of the co-accused has been admitted to interim bail, and, other six co-accused are fleeing from justice, and, the learned Magistrate concerned has ordered for the issuance of non-bailable warrants, for theirs becoming executed upon the absconding accused hence by the Investigating Officer, therefore in the wake of above, it cannot be inferred, that there is any tardiness, in the investigations, as, underway, into the FIR (*supra*).

4. Therefore, at this stage there is no merit in the petition, and, it is disposed of with a direction to the Investigating Officer concerned, to collect all the relevant incriminatory evidence, and, to also ensure the promptest execution of the NBWs upon the absconding accused unless they are recalled in accordance with law.

April 04, 2022

sarita

(SURESHWAR THAKUR)
JUDGE

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No