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

CRM-M-45091-2019 (O&M)

Date of decision : 25.08.2022

Baldev Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Baltej Singh Sidhu, Sr. Advocate with
Mr. Satveer Singh Badal, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for issuance of directions to the respondents to refer the investigation in FIR No.44 dated 15.05.2018 registered under Section 302 of the Indian Penal Code, 1860 and Sections 25/27 of the Arms Act, 1959 at Police Station Kot Bhai, District Sri Muktsar Sahib which relates to murder of brother of the petitioner to some independent agency for time bound investigation as no headway has been made in the investigation.

Learned Senior Counsel for the petitioner has submitted that brother of the petitioner was murdered on 15.05.2018, regarding which, the abovesaid FIR was registered and in spite of the lapse of more than four years, no headway has been made in the said case.

Learned Senior Counsel for the petitioner has referred to the latest affidavit dated 09.08.2022 filed by the Deputy Superintendent of Police, Sub Division, Gidderbaha to highlight the fact that during the course of enquiry, it has been found that from the spot inspection, six empty cartridges were recovered, upon which, 7.65 KF was engraved and the said cartridges have been converted into a parcel. It is further submitted that as per para 9 of the said affidavit, it was found that the deceased had suffered five injuries and all were caused by firearm weapon and the opinion of the Medical Board was that the cause of death was severe injuries to brain, spinal cord and lung due to fire arm which was sufficient to cause death and one sealed parcel containing the coin bullets which were taken out by the Doctors during the postmortem examination from the dead body of the deceased had also been taken into police possession. It is further contended that in spite of the above, as per the reply, the Police Authorities have prepared an untraced report and thus, prays that the matter be transferred to an independent agency.

On the other hand, learned State Counsel has submitted that in the present case, the Special Investigation Team constituting the Superintendent of Police, Investigation Sri Muktsar Sahib, Deputy Superintendent of Police, Sub Division, Gidderbaha and Incharge CIA, Sri Muktsar Sahib was constituted and best efforts were made to find the culprits but no clue could be found regarding the murder of the brother of the petitioner.

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

The fact that brother of the deceased has died an unnatural death

and had been murdered is prima facie clear even from the bare reading of the reply dated 09.08.2022 filed by the State, inasmuch five injuries have been caused to the said deceased by firearm weapon and the bullets have also been recovered from his body. Since, the SIT has not been able to find any clue with respect to murder of the said Jaswinder Singh, thus, this Court deems it appropriate to transfer the investigation to Punjab Bureau of Investigation and accordingly, the Investigating Officer in the present case would hand over the investigation papers/record to the new Investigating Agency, i.e. The Punjab Bureau of Investigation and the said agency, which has now been entrusted with the said investigation, will carry out the said investigation in the said FIR, in accordance with law. The Director of Punjab Bureau of Investigation would mark the present FIR to a competent Investigating Officer who would be an IPS Officer of the Punjab Bureau of Investigation and the said Investigating Officer would also ensure the smooth transfer of investigation from the present Investigating Officer to the Punjab Bureau of Investigation and thereafter, would carry out fair and thorough investigation into the said FIR, in accordance with law.

In view of what has been observed above, the present petition is disposed of.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid order.

25.08.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No