

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

244

CRM-M-351-2019 (O&M)
Date of decision: 17.11.2022

BALWINDER SINGH

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. A.K. Walia, Advocate
for the petitioner.

Mr. M.S. Joshi, Additional AG Punjab.

AMAN CHAUDHARY. J.

Present petition has been filed for transfer of investigation of the case to the Crime Branch at Chandigarh in the office of respondent No.2 and get the case investigated by constituting a SIT in case FIR No.88 dated 25.07.2018 under Sections 323, 328, 304 and 34 of the IPC registered at Police Station Khanauri.

Notice of motion in this case was issued on 10.01.2019. This Court vide order dated 07.09.2022 had directed an affidavit to be filed giving details qua compliance of order dated 06.07.2019. Pursuant thereto, status report dated 14.10.2022 by way of affidavit of Mandeep Singh Sidhu, IPS, Senior Superintendent of Police, Sangrur has been filed. Learned State counsel makes a reference to para 6 and 7, which read thus:-

“6. That it is respectfully submitted that it further came to light that thereafter ASI Karnail Singh No.2200/SGR and ASI Kuldeep Singh No.206/LCP conducted further investigation in the matter and recorded statements of chance/eye witnesses Hussanpreet Singh son of Resham Singh, Lakhi son of Dhanna Ram and Amrit son of Pala Ram all

resident of Village Shahpur Theri, District Sangrur and Pawan Kumar son of Mohinder Ram and Sumit Kumar son of Gobind both resident of Village Dhabi Gujran, District Patiala, who got recorded that on 14.07.2018 the motorcycle of deceased had slipped from the road and collided with eucalyptus tree due to which he had suffered many injuries.

Further, the petitioner could not produce any material or evidence to substantiate his allegations. From the open and secret investigation conducted, it had come on record that the deceased had died on account of having met with an accident. As a matter of consequence, after reinvestigating the matter, the cancellation report was prepared and presented before the Ld. Competent Court on 21.09.2022, whereafter notice was issued to petitioner for 01.10.2022 for recording his statement, who had again opposed the presentation of cancellation report, therefore, the matter is now fixed for further consideration on 28.10.2022.

7. That it is respectfully submitted that in view of the delay occurred in submitting final police report after conducting re-investigation in the present matter in compliance of order dated 06.07.2019 passed by Ld. Illaqa Magistrate, Moonak, District Sangrur, the then SHO's Police Station Khanauri namely Inspector Baljit Singh No.674/SGR (now retired), Inspector Kartar Singh No.1962/PTL (now retired), Inspector Hakam Singh No.141/PTL, SI Harshvir Singh Sandhu No.36/PRT, Inspector Malvinder Singh No.6 RR, Balkar Singh No.65/BRT, for lack of supervision and the investigating officer (s) namely ASI Karnail Singh No.2190/SGR (now retired), ASI Karnail Singh No.2200/SGR, ASI Kuldeep Singh No.206/LCP, ASI Kuldeep Singh No.1866/SGR and HC Desh Raj 451/SR, for inaction/non-completion of the investigation in the present matter in a timely manner, were recommended to be proceeded with

departmentally. Consequently, the answering respondent vide his office order dated 07.10.2022 ordered initiation of departmental action against them. True translated copy of order dated 07.10.2022 is annexed herewith as Annexure R-2 for kind consideration of this Hon'ble Court.”

In view of the aforesaid, learned State counsel submits that the present petition has been rendered infructuous and may be disposed of as such.

In view of the above, no further orders are required to be passed in the present case.

Petition is disposed of as having been rendered infructuous.

However, liberty is granted to the petitioner to avail of alternate remedy, available to him, in accordance with law.

(AMAN CHAUDHARY)
JUDGE

November 17, 2022

S.Sharma(syr)

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*