

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

CRM-M-12942-2023

Date of Decision:-15.03.2023

Jaswinder Singh.

.....Petitioner.

Vs.

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Vijay Pal, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in the petition under Section 482 Cr.PC is for seeking issuance of directions to the respondents restraining them from conducting further investigation in FIR No.35 dated 26.02.2021 registered at P.S. Fatehgarh Sahib as the DGP Punjab vide endorsement dated 14.02.2023 in application dated 10.02.2023 (Annexure P-18) has marked the enquiry to the IPS Officer in an arbitrary manner.

The Counsel for the petitioner contends that initially based on the complaint of the petitioner an enquiry was conducted by the Bureau of Investigation through an officer of the rank of AIG. The enquiry report culminated in inculcating the accused vide its report dated 19.02.2021. Pursuant thereto the instant FIR came to be registered at P.S. Fatehgarh Sahib. Thereafter a fresh enquiry was conducted by S.P. Phagwara who

also came to the conclusion that the accused were *prima facie* liable for having committed the offence in question. The said enquiry was approved by Director Bureau of Investigation. Thereafter, though a direction was issued for filing of a report under Section 173 Cr.PC on a subsequent complaint yet another investigation has been ordered and is being conducted by SP Sangrur.

The contentions raised by the petitioner carry some weight in as much as the first enquiry report before the registration of the FIR was by a superior officer and the subsequent enquiry/investigation pursuant to the registration of the FIR have been conducted/are being conducted by SP rank officers.

In view of the aforesaid facts, the respondent no.2-DGP, Punjab after satisfying himself of the need for a further enquiry, if at all, is requested to entrust the investigation into FIR No.35 dated 26.02.2021 P.S. Fatehgarh Sahib to an officer superior in the rank of an AIG, Bureau of Investigation. The said officer shall consider the earlier enquiry/investigation reports and after giving personal hearing to all the parties finalize his enquiry.

Disposed of.

(JASJIT SINGH BEDI)
JUDGE

March 15, 2023
Vinay

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