

2023:PHHC:157353

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

1 **CRM-M-23935-2017**
Date of Decision : **December 08, 2023**

DARSHAN LAL AND ORS
.....Petitioners

VERSUS

STATE OF PUNJAB AND ORS
.....Respondents

2 **CRM-M-33448-2017**

PARVINDER SINGH AND ANOTHER
.....Petitioners

VERSUS

STATE OF PUNJAB AND ORS
.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Bipan Ghai, Sr. Advocate assisted by
Mr. Ankit Aggarwal, Advocate
for the petitioners in CRM-M-23935-2017.

Mr. Rajiv Kataria, Advocate
for the petitioners in CRM-M-33448-2017 and
for respondents No. 8 to 10 in CRM-M-23935-2017.

Mr. P.S.Grewal, DAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. Complainant-Parvinder Singh and the accused-Maninder Singh respectively have shown grievance to an enquiry dated 23.12.2016, conducted by AIG, Investigation-2 on the directions of respondent No.2.

2. It is the positive case of both the parties that there are multiple enquiries and the enquiry (supra) was conducted in FIR No. 26 dated 15.2.2017, registered at Police Station Gate Hakima, Amritsar, under Sections 420, 406 and 120-B IPC.

3. In response to the instant petitions filed by the petitioners respectively, a specific affidavit sworn by Narinder Singh, PPS, Assistant Commissioner of Police, Central Amritsar was filed way back on 16.7.2018. The relevant extract of the same reads as under:-

“8. That it is most respectfully submitted that keeping in view the facts and submissions made here in above, it is evident that only one preliminary enquiry has been conducted in the present matter before registration of the instant case FIR NO. 26 dated 15.2.17 under Section 420,406,120-B of IPC at PS Gate Hakiman, Amritsar City and thereafter no other enquiry has been conducted in the present FIR. The enquiry (Annexure P-6) conducted by the Assistant Inspector General of Police, Investigation-2, Punjab, Chandigarh (respondent No.4) is not related with the present FIR No. 26 dated 15.02.2017 registered under Section 420,406,120-B of IPC at Police Station Gate Hakiman, Amritsar City. The present FIR is under investigation and arrest of the accused (respondent No. 9 to 12) has been kept in abeyance in pursuance to the order dated 10.07.2017 passed in CRM No. M-23935 of 2017 by this Hon'ble Court, which is still in operation. Investigation of the instant case is being carried out impartially in a free and fair manner and the same shall be taken to its logical conclusion and final report under Section 173 of Cr.PC shall be present in the learned court of competent jurisdiction. Therefore, the present petition is liable to be dismissed qua the answering respondents on the basis of these grounds.”

4. A perusal of the contents of the above affidavit, which

admittedly not disputed by either of the petitioners, reveals that the instant enquiry has never ever been conducted in FIR No. 26 dated 15.2.2017, registered at Police Station Gate Hakima, Amritsar, under Sections 420, 406 and 120-B IPC. Therefore, cause of action does not arise to file the instant motions before this Court. The instant petitions are disposed of with a direction to the prosecution agency to conclude the investigation in FIR (supra) most expeditiously preferably within three months from today.

(KULDEEP TIWARI)
JUDGE

December 08, 2023
ajay-1

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No