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

CRM-M-28503-2017

Date of Decision: 17.08.2023

Sampuran Kaur

..... Petitioner

Versus

State of Punjab & Others

..... Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Jasraj Singh, Advocate,
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN, J . (ORAL)

Present petition has been preferred by an unfortunate mother who lost her son invoking under Section 482 Cr.P.C seeking transfer of investigation from the Police Station City, District Hoshiarpur, to the Punjab Bureau of Investigation-Respondent No.2 in case FIR No.74 dated 16.06.2017 (Annexure P/7) registered for the offense punishable under Section 302 IPC at Police Station City, District Hoshiarpur.

Taking cognizance of the apprehensions raised by the petitioner, this Court vide order dated 04.08.2017 observed as under:-

“Through this petition under Section 482 Cr.P.C. prayer has been made for transfer of investigation in case FIR No.74 dated 16.06.2017 (Annexure P-7) under Section 302 IPC from Police Station City, District Hoshiarpur to respondent No.2 – Punjab Bureau of Investigation. Learned counsel for the petitioner contends that murder of son of the petitioner aged 43 years, who was a Constable in

the Punjab Police was committed in mysterious circumstances in April, 2014 as several grievous injuries were observed on his person in the post-mortem report. When the police did not take any action for five months, petitioner filed a complaint under Section 156(3) Cr.P.C., in which directions were given to police to register a case. That is how the aforesaid FIR came into existence, but the investigating officer till date has not been able to investigate the matter properly. Notice of motion for 3.10.2017.”

Thereafter, on 03.07.2018, Special Investigation Team (SIT) was constituted which is reproduced as under:-

“Heard.

Status report filed.

As per status report, SHO, PS City, Hoshiarpur is conducting investigation in this case.

As per the case of the petitioner, her son was murdered on the intervening night of 21/22.04.2014. Thereafter she had been moving application to the various authorities of Police and Chief Minister, Punjab but the FIR was registered only on 16.06.2017 as per the directions of the Court. As per the reply filed by State, the investigation of the case is being conducted by SHO PS City Hoshiarpur, who is recording statement of witnesses. From the reply, it appears that the investigating officer is relying on statement of wife of deceased, instead of investigating and looking in the issues raised by mother of deceased. Even after expiry of more than a year, investigation has not headed towards any conclusion.

Keeping in view the above facts and circumstances, it is desirable that the case be investigated by the Special Investigation Team (SIT) headed by Senior Police Officer. Respondent No.3 - Senior Superintendent of Police, Hoshiarpur is directed to constitute SIT headed by the Senior Police Officer of the rank of Superintendent of

Police, which will further investigate the case and submit its status report on or before 15.10.2018.”

Learned State Counsel submits that SIT has already concluded its investigation and the report pertaining to the same stands approved by the Senior Superintendent of Police and shall be filed before the concerned Court within a period of four weeks. State shall remain bound by the statement made by counsel for the State as noted hereinabove.

Needless to say, the Complainant if still feels dissatisfied with the report filed by the Police Authorities, she would have her remedy as provided under law.

Disposed off accordingly.

17.08.2023

Deepak Patwal

(PANKAJ JAIN)
JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No