

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

232

CRM-M-38671-2017

Date of decision: 28.02.2023

Bhagwant Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Bikar Singh Cheema, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking issuance of directions to respondents No.1 to 4 to conduct fair and proper investigation qua an application dated 30.05.2016 filed by him (Annexure P/5) and also for the investigation/re-investigation to be carried out by a Special Investigation Team (SIT) in case FIR No.139 dated 12.11.2016 under Sections 420, 468, 471, 467 and 120-B of the IPC registered at Police Station Sadar, Shri Muktsar Sahib (Annexure P/8).

Learned counsel appearing for the petitioner submits that the investigating agency had failed to conduct fair and impartial inquiry on his application (Annexure P/5) as well as in the FIR (Annexure P/8) which was got registered by respondents No.5 and 6. Learned counsel argued that it was a case wherein the complainants i.e. respondents No.5 and 6 were themselves accused. Respondents No.5 and 6 after colluding with the other accused had duped the petitioner of a huge

sum of money in a land deal.

Per contra, learned State counsel while controverting the submissions made by the counsel opposite has invited the attention of this Court to the affidavit filed by Sh. Gurtej Singh Sandhu, PPS, Deputy Superintendent of Police, Sub Division, Sri Muktsar Sahib dated 08.11.2017. He has contended that the petitioner was joined during investigation and his statement under Section 161 of the Cr.P.C. (Annexure P/10) was recorded wherein he supported the case of respondents No.5 and 6 qua the accused persons and did not have been by way of a whisper level any allegations against respondents No.5 and 6. Learned State counsel still further has submitted that the trial had since commenced after completion of investigation and much before filing of the petition in hand.

I have heard learned counsel and perused the relevant material on record.

A perusal of the statement of the petitioner recorded under Section 161 of the Cr.P.C. reveals that he did not allege any malice on the part of respondents No.5 and 6 and rather supported their version against the accused persons. Still further, if the petitioner was aggrieved by the investigation carried out by the investigating agency, he ought to have availed of his alternative remedies under the provisions of law. It is a matter of record that after the completion of the investigation in FIR in question (Annexure P-8), the trial had commenced and a number of prosecution witnesses stood examined. Therefore, at this stage, this Court would not be inclined to issue directions as prayed for.

Dismissed.

However, the petitioner would always be at liberty to avail of alternate remedies as may be available to him under the provisions of law.

28.02.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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