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

**CRM-M-43333 OF 2016 (O&M)
DATE OF DECISION: 25.09.2023**

Jarnail Singh**...Petitioner****Versus****State of Punjab and others****...Respondents****CORAM : HON'BLE MR. JUSTICE ARUN MONGA**

Present : Mr. Akash Manocha, Advocate for
Mr. Gourave Bhayya Gilhotra, Advocate,
For the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

Ms. Deepika Roy, Advocate for respondents No.5 to 9.

ARUN MONGA, J.(ORAL)

Petitioner seeks appropriate directions to transfer the investigation of FIR No.31 dated 08.06.2005 registered under Sections 302, 364, 201, 148 read with Section 149 of Indian Penal Code, 1908 (for short "IPC") at Police Station Ghanaur, District Patiala, to some other higher police officials or Crime Branch, Chandigarh and to book the culprits for murder of his son.

2. According to the petitioner, his younger son, Amar Singh, was murdered on 04.06.2005 by respondents No. 5 to 9 in this case.

2.1. Succinctly stated, the facts as pleaded the petition are as follows.

2.2. The petitioner's son, Amar Singh, went missing on 04.06.2005, and his body was found in the Naggal River on 08.06.2005. Statements from two witnesses, Naseeb Singh and Charanjeet Singh, who claimed to have witnessed the confession of respondents No. 5 to 9 regarding Amar Singh's murder, were recorded by the police. However, no action was taken.

2.3. Despite the registration of an FIR and the passage of 18 years, the police have not made a single arrest, and respondents No. 5 to 9 have allegedly enjoyed the protection of a Congress leader Mr. Jasjit Singh Randhawa. The police officials explained their lack of action in the FIR by suggesting that Amar Singh may still be alive and that the petitioner had mistakenly cremated someone else instead of his own son, Amar Singh. Furthermore, no charge sheet has been filed by the police. The petitioner also submitted a representation dated 15.11.2015 (Annexure P-3) to the DGP, Punjab, but no action was taken. Hence, this current petition.

3. The learned State counsel, based on instructions from ASI Swaran Singh, argues that the incident dates back to 2005, and despite the investigating agency filing an untraced report twice before the lower court, they have been directed to conduct further investigations, despite their previous failure to locate the accused involved in the murder.

4. On the contrary, the petitioner's counsel contends that the investigating agency is not diligently carrying out its duties and is attempting to protect the accused/private respondents No. 5 to 9.

5. Conversely, the learned State counsel asserts that after a thorough investigation, no evidence has been found against the said respondents.

6. Having heard the competing contentions, I am of the view that, following the court's order, the investigation is still ongoing, and I see no reason to interfere, as the petitioner still has got his legal remedy to challenge the outcome thereof. If the forthcoming report is unsatisfactory to the petitioner, he is free to file a protest petition if he is dissatisfied with the outcome of the investigation.

7. In light of the above, this instant petition is disposed of. However, considering that the FIR is from 2005, it is expected that the investigating agency will promptly file its report under Section 173 Cr.P.C, ideally within three months from the date of receiving a certified copy of this order.

8. Pending applications, if any, shall also stand disposed of accordingly.

SEPTEMBER 25, 2023
Shalini

(ARUN MONGA)
JUDGE

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