

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

CRM-M-33916-2019

Date of decision: 08.08.2023

BALDEV SINGH

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

....Respondents.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Pradeep Virk, Advocate for the petitioner.

Mr. Harpreet Singh, Addl. A.G., Punjab.

SANJIV BERRY, J.(ORAL)

Heard.

2. It is, *inter alia*, submitted by learned counsel for the petitioner that the police had submitted the untraced report in the FIR No.0080 dated 26.06.2019 under Sections 302 and 34 of IPC (Annexure P-2) without considering the averments made by learned counsel for the petitioner and even without meticulously investigating that aspect. He submits that now the untraced report has been sent back by the concerned Court of Ilacqua Magistrate for further investigation of the matter and even now the matter is being investigated by the Officer of the level of SHO of the concerned police station. He further submits that for proper adjudication of the matter, the investigation may be conducted by some Senior Officer of the District, so as to arrive at just conclusion.

3. The learned State counsel, on instructions from ASI Sohan

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Singh, states that the investigation in the matter after the case being sent back by the Court for further investigation is being conducted by SHO P.S. Chamkaur Sahib, District RupNagar. The learned State counsel submits that if it satisfies the petitioner, the investigation can be conducted by Officer of the rank of Superintendent of Police of the District.

4. Learned counsel for the petitioner, at this stage, has very fairly stated that the purpose of the petition will be satisfied, if the investigation in the case FIR (Annexure P-2) is conducted by some Senior Officer of the rank of Superintendent of Police.

5. In view of this fact, without commenting on the merits of the case, the petition is disposed of with direction to respondent No.4- Senior Superintendent of Police, Rupnagar, to get the investigation of the FIR conducted through some Officer of the rank of Superintendent of Police in an expeditious manner in accordance with law by joining the petitioner in the investigation.

6. Disposed of.

(SANJIV BERRY)
JUDGE

08.08.2023
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |