

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-59335-2022 (O&M)
Date of decision: 18.07.2023

Amanpreet Cheema ...Petitioner
Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Birinder Singh Khehar, Advocate for the petitioner.
Mr. Gurdarshan Singh Sidhu, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the petition is for issuance of directions to the official respondents to arrest the accused in case bearing FIR No. 28 dated 31.01.2022, registered under Sections 406, 420, 120-B IPC and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012, at Police Station City Rajpura, District Patiala and to stop the parallel inquiries or further investigation after registration of the FIR as per the directions of the Director General of Police, Punjab, dated 10.08.2022.

Reply dated 05.05.2023 filed on behalf of the respondent-State is already on record.

Learned counsel for the petitioner submits that the petitioner is the author of the present FIR; that after registration of the FIR, on the application of main accused Paramjit Singh, who is now residing abroad, an inquiry was conducted by the Deputy Superintendent of Police, Headquarters, and the allegations therein were found to be incorrect and the passport of the accused was returned and he was allowed to go abroad and that on the application moved by the petitioner, an investigation was conducted by the

Superintendent of Police, Headquarters, and it was found that the FIR has rightly been registered and the earlier suggestion of filing of cancellation of FIR was also found to be incorrect and that now, on the application of Baljeet Kaur wife of accused-Paramjit Singh, fresh inquiry is being conducted, however, the earlier inquiries are in the knowledge of the Senior Superintendent of Police, Patiala.

I have heard the learned counsel for the parties and have also gone through the case file.

Vide order dated 04.03.2021 passed by a Coordinate Bench in CRM-M-11455-2020 titled as 'Gurcharan Singh Vs. State of Punjab and Others', has directed that no independent enquiry can be conducted after registration of FIR and only investigation can be transferred, and pursuant to that office of the Director General of Police, Punjab, has issued guidelines dated 10.08.2022 stating therein that there is no provision in the Code of Criminal Procedure, 1973, for conducting an enquiry after registration of an FIR, no enquiry shall be conducted parallel to the investigation of a criminal case.

The Coordinate Bench of this Court vide order dated 18.03.2021 passed in CRM-M-16013-2020 issued the directions that once the FIR has been registered, investigation has commenced then no representation/request on behalf of the accused to examine his/her innocence shall be entertained by the Police and no parallel inquiry shall be initiated and the investigation shall be conducted by the Investigating Officer strictly in accordance with the provisions of Cr.P.C.

In view of the above, the petition is disposed of with a direction to the Investigation to proceed with the case and file the challan in accordance with law.

The application moved by Baljeet Kaur wife of accused-Paramjit Singh will be kept in abeyance.

18.07.2023

Mangal Singh

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No