

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M No. 26340 of 2021
Date of Decision: 22.02.2024

Jagtar SinghPetitioner

Versus

State of Punjab and othersRespondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. N.S.Swaitch, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab assisted by
ASI Mahinder Singh.

HARPREET SINGH BRAR, J.(ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 with a prayer for issuance of appropriate directions to respondents No. 1 and 5 or any other independent agency like the CBI to ensure a fair and proper investigation in FIR No. 129 dated 06.08.2020 registered under Section 364 IPC at Police Station City-1, Khanna and also to take appropriate action against respondents No. 6 to 9 and arrest the culprits by addition of offence under Section 302 IPC.
2. Learned counsel for the petitioner submits that the accused were named in the FIR which was registered on 06.08.2020 however, till date, the Investigating Officer has not conducted any substantial investigation. The accused named in the FIR were never arrested or interrogated to ascertain the manner in which the son of the petitioner was murdered. In spite of

sufficient evidence being available on the record, the Investigating Agency, without any justifiable cause, has not made any progress in the matter.

3. Learned State counsel, on instructions from ASI Mahinder Singh, submits that after conclusion of the investigation, the Investigating Agency has prepared a cancellation report, however the same was not submitted before the jurisdictional Court.

4. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that in the postmortem examination, 9 injuries were observed on the person of the deceased (son of the petitioner), which is indicative of homicidal death. The Investigating Officer has concluded that the deceased was a drug addict however, chemical examination does not reveal the presence of any drugs in his body.

5. The right to fair trial is not only restricted to the accused but extends to the victim and the society as well. The onerous duty to maintain a middle ground to secure fair investigation and trial of the accused without sacrificing the interest of the victim and the society is cast upon the Courts. Therefore, this Court is of the opinion that endeavours must be made to provide solace to the relatives of the victim and assure them that the investigation will be conducted fairly.

6. Keeping in view the facts and circumstances of the case and without commenting on the veracity of the material available on record, this Court finds it appropriate to entrust the investigation of the case to Director, Bureau of Investigation who is instructed to constitute an SIT headed by an officer in the rank of Deputy Inspector General of Police who shall conclude the investigation within a period of 3 months and file a report before the concerned jurisdictional Magistrate, without being prejudiced by any

observation made by this Court while passing the aforesaid order.

7. Disposed of accordingly.

22.02.2024
Rajeev (rvs)

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No