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

CRM-M-37230-2020

Date of decision: 06.03.2024

Tarsem Singh

....Petitioner

## Versus

State of Punjab and others

## ...Respondents

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Mr. Rishabh Gupta, Advocate  
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

**HARPREET SINGH BRAR, J. (ORAL)**

The present petition has been filed under Section 482 Cr.P.C. seeking an appropriate order or direction that the investigation of FIR No.185 dated 08.08.2020 under Sections 302/148/149 of IPC registered at Police Station Sadar Kapurthala, District Kapurthala, be transferred to the Bureau of Investigation, Punjab Police or some other independent agency, as the accused have been let-off by the police illegally despite having been initially arrested and the investigation has made no headway thereafter.

Learned counsel for the petitioner submits that the son of the petitioner has died due to the injuries suffered by him at the hands of respondents No.6 to 9 on the intervening night of 7<sup>th</sup>/8<sup>th</sup> August, 2020. The police has registered the FIR against the accused persons on the statement given by the petitioner. However, the police has failed to perform its statutory duty rather one of the accused was arrested and, thereafter, released without there being any judicial order for his release from the police custody.

Per contra, the learned State counsel, on instructions from ASI Subeg Singh, submits that the Investigating Agency has thoroughly investigated the veracity of the allegations made by the petitioner and the Board of Doctors have given an opinion that the injuries suffered by the son of the petitioner are possible in a road side accident and, thereafter, the receipt of the FSL report, opinion of the Board of Doctors were again sought as no poison was detected in the viscera report. The Board has opined that there is nothing on record to arrive at a different conclusion than given earlier. The Investigating Agency has filed the cancellation report before the concerned jurisdictional Magistrate and the same was not accepted and further investigation was directed by an Officer not below the rank of Superintendent of Police (SP). In compliance of the directions issued by the Court concerned, the investigation was conducted by the Superintendent of Police (SP) (HQ) and after conclusion of the investigation, cancellation report was again submitted and the same was again not accepted. The learned State counsel further refers to para 9 of the reply dated 15.11.2023 and submits that the learned trial Court, on the basis of preliminary evidence led in complaint case i.e. COMI-46-2021 has summoned the private respondents No.5 to 9 to face trial under Sections 302/120-B/201 of IPC read with Section 34 of IPC. Thereafter, the learned Court vide order dated 27.09.2023 observed that in the FIR No.185/2020 the complaint case would be treated as State case. The Ahlmad was directed to register the case as State case and delete it from the category of criminal complaint. Thus, the complaint case was converted into State case vide No. CHI-311 of 2023. The matter is pending before the learned Additional Chief Judicial Magistrate, Kapurthala and non-bailable warrants of the accused have been issued.

In view of the orders passed by the learned Additional Chief Judicial Magistrate, Kapurthala on 27.09.2023 (Annexure R-4), nothing survives in the present petition and as such, the present petition is disposed of accordingly.

However, the petitioner would be at liberty to raise all the pleas taken in the present petition at the appropriate stage before the learned trial Court.

(HARPREET SINGH BRAR)  
JUDGE

06.03.2024  
Neha

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