

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

CRM-M-60024-2022

Reserved on: 14.12.2023

Pronounced on: 04.01.2024

2023: PHHC: 000081

HARINDERPAL SINGH BASSI

. . . . Petitioner

Vs.

State of Punjab and others

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Inderjit Singh Luthra, Advocate, for the petitioner.

Mr.R.S. Khaira, DAG, Punjab.

Mr. Rajeev Anand, Special Public Prosecutor, CBI,
for respondent No.7.

DEEPAK GUPTA, J.

By way of this petition filed under Section 482 CrPC, petitioner prays for quashing of the order dated 06.10.2022 (Annexure P14) passed by Id. JMIC, Ludhiana, rejecting the application (Annexure P13) moved by the petitioner for directing further investigation in a case arising of FIR No.104 dated 23.06.2019 (Annexure P1) under Section 302 IPC, registered at Police Station Dakha, District Ludhiana, by transferring the same to Central Bureau of Investigation ['CBI']. Further prayer is made to quash order dated 20.03.2021, passed by Senior Superintendent of Police (Rural), Ludhiana on the report dated 06.02.2021 (Annexure P5) passed in respect of the investigation report dated 29.8.2019 regarding the FIR in question.

Further, prayer is made to handover the investigation in the aforesaid case FIR to CBI for just and proper investigation.

2. Petitioner, a resident of Village Bassian Bet, District Ludhiana, presently residing in United Kingdom (UK), is brother of deceased Manmohan Singh. At the instance of petitioner, FIR (Annexure P1) was registered, as per which he is a resident of Greater London, United Kingdom, for the last many years. Earlier his brother (Manmohan Singh) was also residing in United Kingdom, but had come back to live in his ancestral home in Village Bassian Bet, Dakha, Ludhiana. Manmohan Singh was married to Jasbir Kaur and from that wedlock, he had three children. His brother used to tell him about his strained matrimonial life, as Jasbir Kaur wife of his brother Manmohan Singh, used to quarrel with him as she wanted to go abroad, though his brother-Manmohan Singh was not willing. In 2012, Jasbir Kaur left India alongwith the children to USA and thereafter, never returned. It was further alleged that on the morning of 06.06.2016, he (petitioner) received information at his home in United Kingdom that his brother Manmohan Singh has been found dead at his home in the morning at around 7:30 AM with some injuries on his head. He (petitioner) immediately came to India and was informed by the Police that his brother had suffered head injuries and that there was some bleeding and it appeared that he had suffered cardiac arrest due to which he might have slipped and hurt his head; and that final cause of death could be ascertained after completion of the postmortem examination. It was further alleged that on reaching the ancestral home in the village, complainant (petitioner) came to know from the neighbouring villagers

that a day prior to his arrival, Jujpal Singh Kang, brother of Jasbir Kaur (i.e. brother-in-law of deceased Manmohan Singh), who is a police officer, posted at Ferozepur, was present at the scene on the day of his brother's death and was directing the investigation and it was he, who had suggested the theory to the police that Manmohan Singh might have suffered heart attack while standing and fell down and hit his head. It was further alleged that Kaur Mangat and her husband Gurdeep Singh Mangat had a verbal spat with all of them and by threatening, had demanded a sum of ₹2.5 crore, by which they wanted to get legal status in USA. Said verbal spat was witnessed by many persons of the village as Jujpal Singh Kang had started screaming at his brother (Manmohan Singh) in the street outside the home. Said Jujpal Singh Kang had even threatened his brother Manmohan Singh in front of all the villagers that he being in police, could even kill him and nothing will happen to him. It was further alleged in the FIR that due to interference of Jujpal Singh Kang, the police treated the death of Manmohan Singh initially as a case of heart attack, though there were big injury marks on the head of his brother and it seemed that he had been struck on the head with some object. It was further stated by the complainant-Harinderpal Singh (petitioner herein) that now he had come to know from the villagers that Jujpal Singh Kang used to visit his brother and that he was quite sure that said Jujpal Singh Kang was involved in the death of his brother.

3. On the aforesaid complaint made on 23.06.2019 i.e., more than 3 years after the death of Manmohan Singh, FIR in question (Annexure P1) was registered.

4. (i) It is contended on behalf of the petitioner that due to continuous interference on the part of accused Jujpal Singh Kang, a police officer of a rank of ASI, the enquiry/investigation was not conducted as per law and only eye wash was undertaken to save the accused. Initially DDR No.20 dated 06.06.2016 only was recorded. The relevant evidence available at the spot was not collected, as the IO did not pay any heed, so as to collect the necessary evidence, though all clues were leading to murder. Two mobile/smart phones of the deceased were recovered by the police from the scene of incident. But no details regarding call logs, SMS messages etc. were brought on record in the investigation. Jujpal Singh Kang was present in village Bassian Bet in person on the fateful night as witnessed by numerous persons, but statement of none of them was recorded by the IO. In the morning also, said Jujpal Singh Kang was present at the spot of incident, but he derailed the investigation by using his undue influence. Even after registration of the FIR, nothing in the name of investigation was done. Petitioner made representations (Annexures P2 & P3) dated 25.02.2020, but nothing has been done, rather the Special Investigation Team, for the sake of just and proper investigation, in connivance with Ranjit Kaur, wife of Jujpal Singh Kang (sister Jasbir Kaur) moved a false application to derail the investigation.

(ii) Ld. counsel contends further that there were numerous witnesses in the vicinity of the place of occurrence, but no heed was paid by the IO/SIT to record statement of those witnesses; that accused is roaming freely to destroy the evidence. Ld. counsel further contends that petitioner had moved an application (Annexure P4) under Section 156(3)

CrPC, before the Court of Id. Magistrate, Ludhiana whereby status report (Annexure P5) was filed by the SIT. Other status reports from time to time have been filed as Annexures P6 to P11, but nothing has been done by the Special Investigation Team.

(iii) Feeling aggrieved against the investigation being done by the SIT, petitioner had filed CRM-M-34364-2022 before this Court, but the same was dismissed as withdrawn vide order dated 23.08.2022 (Annexure P15). Pursuant to the said order dated 23.08.2022, petitioner filed an application (Annexure P13) before the Court concerned for transferring the investigation to CBI, but that application has been dismissed by Id. Magistrate, Ludhiana vide impugned order dated 06.10.2022 (Annexure P14)

(iv). Ld. counsel contends that accused has been given clean chit on flimsy ground, without conducting the proper investigation; that Ranjit Kaur, the wife of accused did not have any locus standi to file any representation; that petitioner was kept in dark by the Investigating Officer/SIT and that in a one-sided manner, accused had been declared innocent.

(v) With all these submissions, prayer has been made to quash the impugned order passed by the Id. Magistrate, whereby request of the petitioner to transfer the investigation to CBI was dismissed. Further prayer is made to quash the order dated 20.03.2021 passed by the SSP (Rural), Ludhiana on the report dated 06.02.2021 (Annexure P5) and further for handing over the investigation of the case in question to CBI for just and proper investigation in the case.

5. Upon issuance of notice of motion, reply by way of affidavit dated 15.03.2023 of Sh. Jasbinder Singh, PPS, DSP, Dakha, District Ludhiana (Rural) has been filed on behalf of respondents No.1 to 6.

6. Counsel for respondent No.7 has submitted that he did not want to file separate reply.

7. (i) In the reply filed on behalf of respondents No.1 to 6, it is submitted that proper investigation was conducted in the case. It was found during investigation that suspect-accused Jujpal Singh Kang was posted as ASI in police department and that on the date and time of occurrence, he was present at Harike Head on duty in the morning. After completion of investigation, no clue came to the notice of the Investigating Officer, against the culprits, who committed the murder of Manmohan Singh and so, untraced report was filed on 10.10.2021, which was duly approved by SSP, Ludhiana on 25.10.2021 and the same was presented in the Court of Id. JMIC, Ludhiana on 22.02.2023. The case is now fixed before Id. JMIC, Ludhiana for summoning of the complainant. It is stated further that application dated 31.08.2022 (Annexure P13) was moved by the petitioner under Section 156(3) CrPC before the Id. Area Magistrate for entrusting the investigation to the CBI, but that application has since been dismissed on the ground that the Court of Area Magistrate has no jurisdiction to handover the investigation to the CBI.

(ii) Still further, it is submitted that SSP (Rural), Ludhiana had constituted Special Investigation Team consisting of In charge CIA Staff, Jagraon; SHO, Police Station Dakha; and SP Head Quarter, Ludhiana (Rural). The said SIT after conducting investigation submitting its report

dated 06.02.2021, copy of which has already been placed on record as Annexure P5 and said SIT concluded that Jujpal Singh Kang, named as accused by the petitioner, was innocent. The report was duly accepted by SSP, Ludhiana. The untraced report has already been filed and that in case real culprits are apprehended later on, necessary action shall be taken against them.

8. I have considered submissions of both sides and have appraised the record carefully.

9. It is in the morning of 06.06.2016 that petitioner residing in UK, came to know about the death of his brother Manmohan Singh in India. As per him, immediately on coming to know about the death of his brother, he came to India and though it was projected that Manmohan Singh had died due to heart attack and that he might have slipped and hurt his head, but big injury marks were apparent on his head and it appeared that he (deceased) had been struck with some object. Despite observing the injuries on the head of his brother, petitioner did not make any complaint at that stage to the police. Rather, the FIR has been lodged on the complaint made on 23.06.2019, as is evident from Annexure P1, i.e., more than 3 years after the death of Manmohan Singh.

10. Proceedings under Section 174 CrPC were initiated vide report No.20 dated 06.06.2016. The report of chemical examiner dated 22.06.2018 and the report of Senior Medical Officer, Civil Hospital, Sudhar was collected, as per which final cause of death was '*asphyxia due to aspiration*', which probably was because of injury to intal feban brain as a result of injury No.1 and 11 and that the injury was ante-

mortem in nature and sufficient to cause death in the ordinary cause nature.

11. Though, the opinion regarding cause of death had been given on 22.06.2018, still petitioner took another one year to lodge the FIR. The matter has been thoroughly investigated by the Special Investigation Team constituted by the SSP, Rural, Ludhiana and the said SIT found no clue against the Jujpal Singh Kang, the suspect named by the petitioner.

12. The question is that whether in the aforesaid facts and circumstances, the investigation of the case should be entrusted to Central Bureau of Investigation. Legal position regarding the circumstances, in which, investigation should be transferred, may be noticed.

13. In ***Himanshu Kumar and others Vs. State of Chhattisgarh and others, 2022 SCC OnLine SC 884***, Hon'ble Supreme Court considered the circumstances in which High Court should exercise its power in transferring an investigation from the State Investigating Agency to any other independent agency like CBI and held as under:

*“44. It is now settled law that if a citizen, who is a de facto complainant in a criminal case alleging commission of cognizable offence affecting violation of his legal or fundamental rights against high Government officials or influential persons, prays before a Court for a direction of investigation of the said alleged offence by the CBI, such prayer should not be granted on mere asking. A Constitution Bench of this Court, in the case of the **State of West Bengal and others v. Committee for Protection of Democratic Rights, West Bengal**, reported in (2010) 3 SCC 571, has made the following observations pointing out the*

situations where the prayer for investigation by the CBI should be allowed:

*“70.... In so far as the question of issuing a direction to CBI to conduct investigation in a case is concerned, although no inflexible guidelines can be laid down to decide whether or not such powers should be exercised, but time and again it has been reiterated that such an order is not to be passed as a matter of routine or merely because a party has levelled some allegations against the local police. **This extraordinary power must be exercised sparingly, cautiously and in exceptional situations, where it becomes necessary to provide credibility and instil confidence in investigations or where the incident may have national and international ramifications or where such an order may be necessary for doing complete justice and enforcing the fundamental rights.** Otherwise, CBI would be flooded with a large number of cases and with limited resources, may find it difficult to properly investigate even serious cases and in the process lose its credibility and purpose with unsatisfactory investigations.”*
(Emphasis supplied)

45. In the above decision, it was also pointed out that the same court in **Secretary, Minor Irrigation & Rural Engineering Services, U.P. v. Sahngoo Ram Arya & Anr., (2002) 5 SCC 521**, had said that an order directing an enquiry by the CBI should be passed only when the High Court, after considering the material on record, comes to the conclusion that such material does disclose a *prima facie* case calling for an investigation by the CBI or any other similar agency.

46. In an appropriate case when the Court feels that the investigation by the police authorities is not in a proper direction, and in order to do complete justice in the case and if high police officials are involved in the alleged crime, the Court may be justified in such circumstances to handover the investigation to an independent agency like the CBI. By now it is well-settled that even after the filing of the charge sheet the court is empowered in an appropriate case to handover the investigation to an independent agency like the CBI.

47. The extraordinary power of the Constitutional Courts under Articles 32 and 226 respectively of the Constitution of India qua the issuance of directions to the CBI to conduct investigation must be exercised with great caution as underlined by this Court in the case of

Committee for Protection of Democratic Rights, West Bengal (supra) as adverted to herein above, observing that although no inflexible guidelines can be laid down in this regard, yet it was highlighted that such an order cannot be passed as a matter of routine or merely because the parties have levelled some allegations against the local police and can be invoked in exceptional situations where it becomes necessary to provide credibility and instill confidence in the investigation or where the incident may have national or international ramifications or where such an order may be necessary for doing complete justice and for enforcing the fundamental rights. We are conscious of the fact that **though a satisfaction of want of proper, fair, impartial and effective investigation eroding its credence and reliability is the precondition for a direction for further investigation or reinvestigation, submission of the charge sheet ipso facto or the pendency of the trial can, by no means, be a prohibitive impediment.** The contextual facts and the attendant circumstances have to be singularly evaluated and analyzed to decide the needfulness of further investigation or re-investigation to unravel the truth and mete out justice to the parties. The prime concern and the endeavour of the court of law should be to secure justice on the basis of true facts which ought to be unearthed through a committed, resolved and a competent investigating agency.

48. The above principle has been reiterated in **K.V. Rajendran v. Superintendent of Police, CBCID South Zone, Chennai, (2013) 12 SCC 480**. Dr. B.S. Chauhan, J. speaking for a three-Judge Bench of this Court held:

“13. ...This Court has time and again dealt with the issue under what circumstances the investigation can be transferred from the State investigating agency to any other independent investigating agency like CBI. It has been held that the power of transferring such investigation must be in rare and **exceptional cases where the court finds it necessary in order to do justice between the parties and to instil confidence in the public mind, or where investigation by the State police lacks credibility and it is necessary for having “a fair, honest and complete investigation”, and particularly, when it is imperative to retain public confidence in the impartial working of the State agencies. ...**”

49. *Elaborating on this principle, this Court further observed:*

“17. ... the Court could exercise its constitutional powers for transferring an investigation from the State investigating agency to any other independent investigating agency like CBI only in rare and exceptional cases. Such as where high officials of State authorities are involved, or the accusation itself is against the top officials of the investigating agency thereby allowing them to influence the investigation, and further that it is so necessary to do justice and to instil confidence in the investigation or where the investigation is prima facie found to be tainted/biased.”

50. *The Court reiterated that an investigation may be transferred to the CBI only in “rare and exceptional cases”. **One factor that courts may consider is that such transfer is “imperative” to retain “public confidence in the impartial working of the State agencies.”** This observation must be read with the observations made by the Constitution Bench in the case of Committee for Protection of Democratic Rights, West Bengal (supra), that mere allegations against the police do not constitute a sufficient basis to transfer the investigation.*

51. *In **Romila Thapar v. Union of India, (2018) 10 SCC 753**, one of us, A.M. Khanwilkar, J., speaking for a three-Judge Bench of this Court (Dr. D.Y. Chandrachud, J. dissenting) noted the dictum in a line of precedents laying down the principle that the accused “does not have a say in the matter of appointment of investigating agency”. In reiterating this principle, this Court relied upon its earlier decisions in **Narmada Bai v. State of Gujarat, (2011) 5 SCC 79**, **Sanjiv Rajendra Bhatt v. Union of India, (2016) 1 SCC 1**, **E. Sivakumar v. Union of India, (2018) 7 SCC 365**, and **Divine Retreat Centre v. State of Kerala, 2008) 3 SCC 542**. This Court observed:*

“30...the consistent view of this Court is that the accused cannot ask for changing the investigating agency or to do investigation in a particular manner including for court- monitored investigation.”

52. *It has been held by this Court in **CBI & another v. Rajesh Gandhi and another, 1997 Cr.L.J 63**, that no one can insist that an offence be investigated by a particular agency. We fully agree with the view in the aforesaid decision. An aggrieved person can only claim that*

the offence he alleges be investigated properly, but he has no right to claim that it be investigated by any particular agency of his choice.

53. *The principle of law that emerges from the precedents of this Court is that the power to transfer an investigation must be used “sparingly” and only “in exceptional circumstances”. In assessing the plea urged by the petitioner that the investigation must be transferred to the CBI, we are guided by the parameters laid down by this Court for the exercise of that extraordinary power.”*

14. Further, in ***Anant Thakur Karmuse Vs. State of Maharashtra and others***, (2023) 5 SCC 802, after referring to the principles as laid down in the case of ***Himanshu Kumar (Supra)***, it has been held by the Hon’ble Supreme Court that power to order fresh, de novo or re-investigation is vested with the Constitutional Courts; and the commencement of a trial and examination of some witnesses cannot be an absolute impediment for exercising the said constitutional power, which is meant to ensure fair and just investigation.

15. In ***Mithilesh Kumar Singh Vs. State of Rajasthan and others***, (2015) 9 SCC 795, it has been held that though Court does not direct transfer of investigation just for the asking nor the same is transferred only to satisfy the ego or vindicate the prestige of a party interested in such investigation, but the decision whether transfer should or should not be ordered, rests on the Court’s satisfaction depending upon facts and circumstances of a given case. It was held further that it is only when there is a reasonable apprehension about justice becoming a victim because of shabby or partisan investigation that the Court may step in and exercise its extra ordinary powers.

16. Keeping in mind the precedents as laid down by Hon'ble Apex Court, following principles emerge:

- The power to transfer an investigation is extraordinary and must be used “sparingly”, cautiously and only “in exceptional circumstances”.
- No one can insist that an offence be investigated by a particular agency. An aggrieved person can only claim that the alleged offence be investigated properly, but he has no right to claim that it be investigated by any particular agency of his choice.
- Transfer of investigation is not to be directed by the Court just for the asking nor the same is transferred only to satisfy the ego or vindicate the prestige of a party interested in such investigation, but the decision whether transfer should or should not be ordered, rests on the Court's satisfaction depending upon facts and circumstances of a given case.
- The power to order fresh, de novo or re-investigation is vested with the Constitutional Courts; and the commencement of a trial and examination of some witnesses cannot be an absolute impediment for exercising the said constitutional power, which is meant to ensure fair and just investigation.
- Though satisfaction of want of proper, fair, impartial and effective investigation eroding its credence and reliability is the pre-condition for a direction for further investigation or reinvestigation, submission of the charge sheet ipso facto or the pendency of the trial can, by no means, be a prohibitive impediment
- Following **exceptional situations** may be considered while ordering transfer of investigation:
 - where it becomes necessary to provide credibility and instil confidence in the public mind, in the investigations, or

- where the incident may have national and international ramifications, or
- where such an order may be necessary for doing complete justice and enforcing the fundamental rights, or
- when the Court feels that the investigation by the police authorities is not in a proper direction, or
- when high police officials are involved in the alleged crime, or
- where investigation by the State police lacks credibility and it is necessary for having “a fair, honest and complete investigation”, and particularly, when it is imperative to retain public confidence in the impartial working of the State agencies. ...”
- when there is a reasonable apprehension about justice becoming a victim because of shabby or partisan investigation.

17. Applying the above legal principles to the facts of present case, as has been noticed above, it is noticed that petitioner himself has placed on record copy of the report (Annexure P5), which was submitted by Special Investigation Team to the SSP, Ludhiana (Rural). The said SIT consisted of Superintendent of Police (Head Quarter), Ludhiana (Rural) as its chairman, besides Station House Officer, Police Station, Dhaka and Incharge, CIA Staff, Jagraon, as its members. Here itself, it may be noted that the alleged suspect Jujjpal Singh Kang was admittedly posted as an ASI and all the members of the SIT were much senior to the said Jujjpal Singh Kang. SIT had been constituted on the order of SSP, Ludhiana (Rural) and in these circumstances, it cannot be assumed that

SSP (Rural) and/ or SIT was working under the influence of ASI Jujpal Singh Kang or did not conduct the proper investigation.

18. The report of the SIT reveals that investigation was conducted from all the angles. It was found that ASI Jujpal Singh Kang was present on duty with regard to *Ghalughara* week on 03.06.2016, 05.06.2016 and 06.06.2016. In this regard, not only the statements of concerned witnesses were recorded, but also the copies of DDR along with list of employees, who had attended the duties at Sub Division, Jeera, was collected. It was further found that it is only on the morning of 06.06.2016 that after getting information about the death of his brother-in-law Manmohan Singh that ASI Jujpal Singh Kang had left Harike bridge, where he was on duty along with other police officials. The investigation at the spot was being conducted by ASI Janak Raj. In case the petitioner had any suspicion regarding the foul play in the death of his brother, he could have lodged the FIR immediately. Question is that why he did not do so?

19. The report (Annexure P5) submitted by the SIT would reveal that as many as six applications moved during 18.07.2019 to 09.09.2020 i.e. all after registration of the FIR by the petitioner, through his General Power of Attorney Gurcharan Singh; along with the representation made by Ritmahinder Singh son of Hira Singh, another representation made by Ranjit Kaur wife of ASI Jujpal Singh Kang and another representation made by Preetinder Kaur Mangat wife of Gurdip Singh Mangat, were considered while conducting the investigation. Petitioner was also joined in the investigation as is evident from the

report. It was found that deceased Manmohan Singh was owning 52 kanal 15 Marla of land to the extent of 1/3 share i.e., 17 kanal 11-2/3 Marla besides another 3 Marla, which stood in the name of the deceased. Obviously, after the death of Manmohan Singh, land was to be inherited by his natural legal heirs i.e., his wife Jasbir Kaur and his three children. Said legal heirs are residing in USA. As per the representation, which was made by Ranjit Kaur, the wife of suspect Jujpal Singh Kang and also the sister of Jasbir Kaur i.e. wife of deceased, she had produced a typed statement of Smt. Jasbir Kaur, as per which the FIR had been lodged by the petitioner after three years regarding the death of her husband Manmohan Singh to exert undue pressure so that she could not claim share from the property of her husband and it is ASI Jujpal Singh Kang, who was taking care of the interests of her sister. So, the apparent reason for getting the FIR lodged, after more than 3 years is to deprive the natural legal heirs of deceased Manmohan Singh to get share in the property left behind by deceased Manmohan Singh, as it is suspect Jujpal Singh Kang, the brother of wife of the deceased, who is taking care with respect to the interest of the natural heirs.

20. It is further evident from the contents of this petition that petitioner is not interested in reaching to the real culprit, if any, and rather, he wants that it is ASI Jujpal Singh Kang, the brother of wife of the deceased, who should be nabbed. It is despite the fact that SIT, after conducting thorough investigation, has found ASI Jujpal Singh Kang to be innocent based upon the evidence collected by it. It would not be out of place to mention that on the basis of report dated 06.02.2021 (Annexure P5), submitted by the SIT, SSP Ludhiana passed an order

dated 20.03.2021 and then the petitioner filed petition bearing CRM-M-34364-2022 before this Court, seeking quashing of order dated 20.03.2021 on the report dated 06.02.2021 of the SIT. However, as the application under Section 156(3) CrPC had already been filed by the petitioner before the Id. Magistrate, so the petition was dismissed as withdrawn vide order dated 23.9.2022 (Annexure P15) with liberty to the petitioner to raise all the pleas before the Magistrate.

21. Pursuant to the order dated 23.08.2022 of this Court passed in CRM-M-34364-2022, petitioner approached the Id. Magistrate for transferring the investigation to CBI, but Id. Magistrate rejected the application vide order dated 06.10.2022 (Annexure P14) and rightly so, because Magistrate has no power to transfer/handover the investigation to CBI, as has been held by Hon'ble Supreme Court in ***CBI Vs. State of Rajasthan***, AIR 2001 SC 6686, which is also relied in ***Dilawar Singh Vs. State of Delhi***, 2007(4) RCR (Criminal) 115.

22. Apart from above, as the status report filed by the respondents reveal that after thorough investigation and after finding ASI Jujpal Singh Kang to be innocent and finding no clue as to who committed the murder of Manmohan Singh, police has already filed untraced report on 10.10.2021, which after approval by the SSP, Ludhiana (Rural) has been presented before the Id. Area Magistrate on 22.02.2023.

23. In case, petitioner is not satisfied with the investigation conducted by the Special Investigation Team and in case, some witnesses had not been examined by the SIT as is alleged by petitioner, without

naming those witnesses, then petitioner is at liberty to produce his evidence before Id. Area Magistrate, who has to then pass appropriate orders in accordance with law, after taking necessary evidence, if any produced by the petitioner in untraced report.

24. Having regard to the above discussion of the factual and legal position, this court is not inclined to transfer the investigation of this case to the CBI only to satisfy ego of the petitioner or his vengeance against ASI Jujpal Singh Kang or the natural legal heirs of the deceased. This Court finds the present petition to be devoid of any merit.

Dismissed.

04.01.2024
Vivek

(DEEPAK GUPTA)
JUDGE

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|-------------------------------|--------|
| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |