

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

2024.PHHC.172107



CRM-M No. 61037 of 2024 (O&M)

Date of Decision: 20.12.2024

Ranjit Singh Khurana

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE

Present : Mr. Sanjeev Duggal, Advocate, (through v.c.)
for the petitioner.

Mr. HS Deol, Sr. Deputy Advocate General, Punjab.

Mr. Sunil Chadha, Senior Advocate with
Mr. Akshay Chadha, Advocate,
Mr. Raghav Chadha, Advocate and
Ms. Sonia Monga, Advocate, for respondents No.6 & 7.

SHEEL NAGU, CHIEF JUSTICE (Oral)

Inherent powers of this Court are invoked by the complainant in FIR No. 163 dated 04.09.2022 punishable under Sections 452, 427, 182, 193, 447, 511, 148 and 149 of the Indian Penal Code registered at Police Station City Phagwara, District Kapurthala, against seven accused including respondents No.6 to 8 and few other unidentified persons.

2. The cause of grievance raised by learned counsel for the petitioner-complainant is that after filing of the charge-sheet before the trial Court on 29.08.2024, the police is bereft of any power to conduct investigation by formation of a Special Investigating Team (SIT) on 12.09.2024.

3. Learned State counsel informs that initially three accused were named in the FIR but after some time some other accused were included as unidentified accused and the charge-sheet against the four accused was filed on 08.10.2024 before the trial Court. State counsel, however, has no instructions as to whether any SIT was constituted on 12.09.2024 or not.

4. Learned senior counsel appearing for respondents No. 6 and 7, however, contends that SIT in the matter was constituted by a senior officer of the police on 12.09.2024 which was much before filing of the charge-sheet on 08.10.2024.

5. The SIT was constituted to look into further investigation which was pending against the absconding accused including respondents No. 6 to 8.

6. It is settled law that investigation is a unilateral process to be conducted exclusively by the police under the supervision of the concerned Magistrate to the extent that same is done in a free, fair and expeditious manner. The scope of interference in pending investigation is extremely limited.

7. However, it goes without saying that police is obliged to conduct investigation in a free, fair and expeditious manner where it is obliged to keep all the avenues open for collection of evidence and material connected to the crime in question. It is onerous duty of the police to conduct and conclude investigation in a manner which does not reflect any element of prejudice or partiality or favouritism with the ultimate object is to reveal the truth.

8. With the aforesaid observations and expectations from the police that investigation pending shall be conducted and concluded expeditiously in a free, fair and expeditious manner, this court declines further interference and dispose of the present petition.

20.12.2024

ravinder

(SHEEL NAGU)
CHIEF JUSTICE

Whetherspeaking/reasoned	√Yes/No
Whetherreportable	Yes/No√