



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

CRM-M-14383-2025
Date of decision: 18.03.2025

MANOHAR LAL

...PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ravi Malhotra, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. Prayer in the present petition filed under Section 528 BNSS, 2023 is for issuance of direction to respondent Nos.1 to 3 to transfer the investigation of FIR bearing No.0029 dated 20.07.2018 registered under Sections 302 IPC and 25/27 of Arms Act at Police Station Sadar, Pathankot, District Pathankot to some other investigating agency or to senior officer.

2. Brief facts of the present case are that on 20.07.2018 at about 10:00 AM, the son of the complainant, namely, Ravi Kumar left for his work on motorcycle and he was having small mobile phone. At about 2:10 PM, the daughter of the complainant called him and told that some unidentified person has fired shot on Ravi Kumar, near Pind Kothi Pandata, at a lonely place, near river and his dead body is lying in mortuary of Government Hospital, Pathankot. Hence, the FIR (*supra*) was registered.

3. Learned counsel for the petitioner *inter alia* contends that son of the petitioner was murdered by some unknown person and in this regard FIR bearing No.29 was registered on 20.07.2018. He further contends that the



jurisdictional police authorities have not performed the statutory duty and without conducting proper investigation, they presented the untraced report, which was not accepted by the jurisdictional Court. Thereafter, again the investigating agency presented an untraced report and the Judicial Magistrate passed an order on 10.05.2023, wherein, it was duly observed that without conducting any investigation, the second untraced report is mere reiteration of the facts, which were there in the first untraced report. It was further observed in the order that scientific investigation has not been conducted by the police and the matter requires investigation and direction has been issued to a Gazetted Officer of the jurisdictional authorities to monitor the investigation and to guide the investigating officer on scientific techniques to trace out the accused. Learned counsel submits that the petitioner has filed detailed representation dated 19.02.2025 before respondent No.2 (Annexure P-3) but till date, the investigating agency has not done anything.

4. Notice of motion.

5. Mr. Subhash Godara, Addl. A.G., Punjab, who is present in the Court, accepts notice on behalf of respondents and submits that the jurisdictional police authorities are making earnest efforts to conclude the investigation of FIR (*supra*).

6. Having heard learned counsel for the parties and after perusing the record, it transpires that grave offence has occurred, which resulted in the death of son of the petitioner. In spite of the order passed by jurisdictional Court for further direction, no substantial progress has been made in the FIR (*supra*) and there is a manifest failure on part of the jurisdictional police authorities in performing their statutory duty in a murder case. This Court



would refrain from commenting on the conduct of the Pathankot Police and without making any further remarks on the veracity of the material available on record lest it may prejudice the outcome of the investigation, this Court finds that it is a fit case for entrustment of investigation to an IPS Officer.

7. The right to fair trial is not only restricted to the accused. It extends to the victim and the society as well. Nowadays, all the attention is given to the accused to ensure fair investigation resulting in a fair trial while little concern is shown to the victim and the society. 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.

8. This Court in exercise of its inherent power under Section 482 Cr.P.C to secure the ends of justice can entrust the investigation to an independent agency to rule out any bias. If the circumstances are such that it would create a reasonable apprehension of bias in the minds of onlookers, it is sufficient to invoke the doctrine of bias.

9. It is a settled law that where a constitutional Court can invoke its power to transfer the investigation to a different agency, especially when it becomes necessary to provide credibility and instil confidence in the investigation or where such order may be necessary for doing complete justice and enforcing the fundamental rights. A reference in this regard can be made to ***Rashmi Behl vs. State of Uttar Pradesh and others, 2015(2) RCR(Crl.) 45; State of Punjab vs. Davinder Pal Singh Bhullar and others, 2012(1) RCR(Crl.) 126, State of Punjab vs. Central Bureau of Investigation and others, 2011(9) SCC 182, R.S Sodhi vs. State of U.P., 1994 AIR (SC) 38,***



Kashmeri Devi and Delhi Administration, (1988) SCC (Cri.) 3 864 and Rubabbuddin Sheikh Vs. State of Gujarat (2010) 2 SCC 200.

10. The petitioner is going pillar to post in hopes of getting justice for the murder of his son and has moved a representation regarding fair investigation of the same. In view of the legal maxim-*Justice should not only be done, but should manifestly and undoubtedly be seen to be done*, 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.

11. In order to address any apprehensions of the petitioner, it would be in the interest of justice and fair play. Respondent No.2 is directed to entrust investigation of the matter to an IPS Officer posted in any district adjoining Pathankot. The concerned officer is directed to file the final report before the jurisdictional Court within a period of four months.

12. Disposed of accordingly.

March 18, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No