



CRM-M-21193-2022

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

CRM-M-21193-2022

Date of decision : September 03, 2025

Iqbal Singh Tung**..... Petitioner****Versus****State of Punjab and others****..... Respondents****CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

Present :-Mr. L. M. Gulati, Advocate for the petitioner.
(Through Video Conferencing)

Mr. I. P. S. Sabharwal, DAG., Punjab.

VINOD S. BHARDWAJ, J (Oral)

1. The petitioner has filed the present petition under Section 482 Cr.P. C. seeking appropriate directions to respondent No.1 @ 2 to transfer the investigation of FIR No. 16 dated 17.02.2000 (Annexure P-1) registered under Sections 307, 336, 436, 427, 148 & 149 IPC read with Sections 25, 27, 54 of Arms Act registered at Police Station Banga, District Nawan Shehar (S.B.S. Nagar) to some senior police officer of the rank of IPS.

2. Learned counsel for the petitioner has vehemently argued that despite the FIR having been registered against named individuals, no effective steps were taken by the respondents. Instead an untraced report had been filed, which indicates a deliberate attempt to shield the accused from the process of law because the assailants belonged to the erstwhile Ruling Party.

3. A status report by way of an affidavit of Sarwan Singh Bal, PPS, Deputy Superintendent of Police, Sub Division Banga, District SBS Nagar, Punjab on behalf of respondent No.1 dated 19.08.2022 had been filed wherein it had been averred that all the named suspects named in the FIR were joined in the investigation. The enquiry in the matter was marked to Harjit Singh Pannu, the then DSP, Banga who, after conducting the enquiry, declared the accused Jasbir Singh Dimpa innocent. Similarly, accused Satvir Singh and his brother Jasvir Singh were also declared innocent by Jagdish Mittal, Inspector Crime Wing, Punjab on 17.07.2000 and accused Darshan Singh Brar was declared innocent by Jagdish Mittal, Inspector Crime Wing, Punjab on 17.08.2001. Thereafter, the Additional Director General of Police, Punjab on verification of the investigation, also issued letters to Senior Superintendent of Police, Nawanshahr and directed filing of a cancellation report before the competent court.

4. The cancellation report was submitted in the court of Ms. Harpreet Kaur Nafra, the then JMIC, SBS Nagar, where the petitioner expressed his disagreement and objected to the cancellation report. After considering the protest, the final report was sent back to the Police Station for further investigation vide order dated 14.07.2021. Notwithstanding, that a detailed investigation had earlier been conducted on the statement of the complainant/petitioner and no fresh facts have been brought on record, yet the matter was examined afresh but no new evidence came up. Consequently, supplementary cancellation report was again submitted by the Investigating Officer to the court of CJM, SBS Nagar.

5 Once again, upon objection of the petitioner, the cancellation report was sent back to the police for further investigation vide order dated 21.05.2022.

6. A subsequent status report, by way of an affidavit of Sarwan Sing Bal, PPS, Deputy Superintendent of Police, Banga, District SBS Nagar on behalf of respondent Nos. 1 to 3 dated 12.01.2024 was filed in compliance of order dated 04.12.2023 passed by this Court. It has been set out in the said report that a supplementary untrace report was filed before the Judicial Magistrate SBS Nagar and the same too was sent back for further investigation vide order dated 27.09.2023. Consequently, the matter was marked to the DSP Sub Division Banga for conducting further investigation on 03.01.2024.

7. Learned State counsel on instructions from ASI Raghvir Singh submits that an untraced report dated 01.04.2024 has since been prepared again and the same is now pending before the competent Court.

8. I have heard learned counsel for the respective parties and have gone through the documents annexed along with the present petition.

9. The FIR in question relates to the year 2000 in which the petitioner had named certain accused persons. Undisputedly, the named suspects were exonerated in the investigation conducted in the year 2000 and 2001 by the then DSP Banga and Inspector Crime Wing, Punjab. The cancellation report although filed at a much later point of time was not accepted by the petitioner. Repeated enquiries have been conducted over a span of years by different officers. The allegation originally set out in the petition is that the accused were spared owing to their proximity with the

erstwhile Ruling Party, however, such apprehension of the petitioner loses much of its force since there has been subsequent regime changes in Punjab and there was no occasion for the subsequent Investigating Officers to be not conducting a fair investigation. (even if the argument of the petitioner is considered). Hence, the sole reason cited for investigation being tainted, ceases to exist. Even otherwise such obligations are much often levelled by every party which is aggrieved of the outcome of investigation not being to their satisfaction or in the manner they desired but are seldom established. Even in the present petition, there is no material to agree to such claims and allegations. The ease with which a litigant may allege motive against the investigating agency is not the parameter for a Court of law to discredit an Investigating Officer of his fairness and competence. A lawful inference which can be drawn by a court of law is that every public officer performs his duty as per law, still evidence is shown to the contrary. Suspicion of a litigant is not an evidence for the court and an order passed based on such consideration may by itself be bordering upon an order lacking legal foundation.

10. Under the given circumstances, where the investigation had already been conducted by three different officers i.e. Harjit Singh Pannu, the then DSP, Banga DSP, Banga in the year 2000/2001, Jagdish Mittal, Inspector Crime Wing, Punjab as well as Sarwan Singh Bal, the subsequent DSP, Banga, SBS Nagar. The matter pertains to the year 2000 and a period of more than 25 years has already elapsed. An untraced report had already been filed by the Investigating Officer filed before the trial court which is now seized of the matter.

11. Under the given circumstances, it would not be appropriate for the Court to issue any further direction in the matter as it may impact decision in the pending cancellation report and prejudice either party. The petitioner would, however be at liberty to take all pleas before the court which is seized of the untraced report.
12. The present petition stands disposed of.
13. All pending applications, if any shall also stand disposed of.

(VINOD S. BHARDWAJ)
JUDGE

September 03, 2025
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Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No