

2026:PHHC:038000



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

CRM-M-41687-2024

Date of decision :11.03.2026

VISHAL ALIAS MANI JAMBA

... Petitioner

Versus

STATE OF PUNJAB AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr.Mohinder Kumar, Advocate
for the petitioner.

Mr. Attar Ahmed, AAG, Punjab.

(THROUGH VIDEO CONFERENCING)

JASJIT SINGH BEDI, J. (ORAL)

The prayer in the present petition under Section 528 of BNSS, 2023 is for issuance of directions to respondent Nos.1 & 2 for transfer of investigation in FIR No.0055 dated 15.04.2024 (Annexure P-1) registered under Sections 302, 341, 324, 506, 148, 149 IPC (Section 212 IPC added later on) at Police Station Division No.5, Police Commissionerate Jalandhar, Punjab to the Bureau of Investigation and to arrest the remaining accused and file a supplementary challan/final report against them.

2. The learned counsel for the petitioner contends that 08 persons were duly named in the FIR. One came to be nominated as an accused later. The investigation was conducted in a perfunctory manner. The challan has been submitted against 04 persons only. A parallel inquiry was conducted by Shri Chand Singh, PPS, Addl. Deputy

Commissioner of Police (ADCP) Operation & Security Jalandhar Police Commissionerate Jalandhar City Punjab who exonerated 02 accused. The said inquiry report was approved by the Commissioner, Jalandhar. Three other accused namely, Balwinder Singh, Amit Kumar alias Sunny and Ajay Kumar alias Baba have also been exonerated via a different inquiry. Once the investigation was being conducted by an Inspector level officer, a superior officer could not have been conducted an inquiry. Therefore, further investigation be handed over to the Bureau of Investigation and a supplementary challan be submitted against the remaining accused.

3. On the other hand, the learned State counsel contends that the investigation was concluded by the SHO, P.S. Division No.5, Commissionerate Jalandhar who submitted the report under Section 173(2) Cr.P.C. He contends that a perusal of the report would reveal that two accused namely, Jaskaran Singh @ Karan Malli and his wife Manpreet Kaur were exonerated on the basis of an inquiry conducted by a superior officer i.e. Addl. Deputy Commissioner of Police (ADCP) Operation & Security Jalandhar Police Commissionerate Jalandhar City Punjab. The said investigation though called an inquiry but in fact is an investigation conducted on the basis of a complaint submitted by the family members of Jaskaran Singh @ Karan Malli. So far as three accused are concerned i.e. Balwinder Singh, Amit Kumar alias Sunny and Ajay Kumar alias Baba, they too have been exonerated. Once the investigation has been conducted in a fair and impartial manner by a superior officers, the question of a further investigation being handed over to the Bureau of Investigation does not arise.

4. I have heard the learned counsel for the parties.

5. As per the prosecution case, there were 08 accused named in the FIR and one accused came to be nominated later. The challan was submitted against four persons only by the SHO, P.S. Division No.5, Commissionerate Jalandhar. A perusal of the challan would reveal that two persons were exonerated on the basis of an inquiry held by Shri Chand Singh, PPS, Addl. Deputy Commissioner of Police (ADCP) Operation & Security Jalandhar Police Commissionerate Jalandhar City Punjab. Three accused were otherwise exonerated. The inquiry conducted by Shri Chand Singh, PPS, ADCP was conducted on the basis of a complaint moved by the family members of Jaskaran Singh @ Karan Malli. The said inquiry is actually in the nature of an investigation conducted by an officer superior to the SHO. Therefore, no fault can be found with the same.

6. In view of the above, I find no merit in the present petition. Therefore, the same stands dismissed.

7. Needless to say, if aggrieved, the petitioner is at liberty to avail his remedies in accordance with law during the course of the trial.

(JASJIT SINGH BEDI)
JUDGE

11.03.2026
JITESH

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