

A ZORAWAR SINGH AND ANR.

v.

GURBAX SINGH BAINS AND ORS.

(Criminal Appeal No. 2530 of 2014)

B NOVEMBER 07, 2016

[ANIL R. DAVE AND UDAY UMESH LALIT, JJ.]

C *Code of Criminal Procedure, 1973 – s.173 – It was earlier directed by the Supreme Court that a case be registered u/s.302 IPC and further investigation be carried out – Also, Chief Secretary of the State was to inquire into the matter and submit report – Appropriate investigation subsequently undertaken and report filed u/s. 173 CrPC – Concerned court directed to bestow due attention to the report u/s.173 in accordance with law and with the directions passed by the Supreme Court – Penal Code, 1860 – s.302.*

D *Zorawar Singh and Anr. v. Gurbax Singh Bains and Ors. (2015) 2 SCC 572 – referred to.*

Case Law Reference

(2015) 2 SCC 572 referred to Para 1

E CRIMINAL APPELLATE JURISDICTION: Criminal Appeal No. 2530 of 2014.

From the Judgment and Order dated 21.02.2013 of the High Court Punjab and Haryana at Chandigarh in Criminal Misc. No. M-6656 of 2011.

F Vibha Datta Makhija, Sr. Adv., V. Madhukar, AAG, Aman Preet Singh Rahi (For A. Venayagam Balan), Ms. Anvita Cowshish (For Jagjit Singh Chhabra), Ms. Kamini Jaisawal, Ms. Shumaila Altaf, Jatinderpal Singh, Gaurav Jain (For Ms. Abha Jain), Kuldip Singh, Rahul Pratap, Advs. for the appearing parties.

G The following Order of the Court was delivered

ORDER

1. While dismissing Criminal Appeal No.2530/2014 [Zorawar Singh & Anr. Vs. Gurbax Singh Bains & Ors.] vide our judgment and order

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dated 4th December, 2014, Reported in (2015) 2 SCC 572, we had passed A
following directions in Paragraph 17 of the judgment :

“17. Affirming the view taken by the High Court, we dismiss the present appeal and while doing so, deem it appropriate to pass the following directions:

17.1. The challan dated 14.02.2013 filed by the Superintendent of Police, District SAS Nagar is held illegal and improper and stands withdrawn from the record of the concerned case. B

17.2. The crime shall be registered under section 302 IPC in keeping with the report dated 27.12.2011 of Shri Kunwar Vijay Pratap Singh, DIG (Crimes) and further investigation shall be undertaken in terms thereof. C

17.3. The SITs as constituted are held invalidly constituted and the reports dated 01.03.2012 and 29.01.2013 stand set aside. D

17.4. We direct the concerned Superintendent of Police to conduct thorough investigation into the matter. Such investigation must be completely fair and transparent and shall be free from any interference. We expect the concerned officer to rise to the occasion and do his job well. E

17.5. It is left to the concerned Magistrate to consider whether any further investigation is called for, and if so, in which direction, as and when the occasion so demands.

17.6. Respondent No.1 shall be paid Rs.2,50,000/- by way of compensation instead of Rs.50,000/- as directed by the High Court. Such compensation shall first be paid by the State and after fixing the responsibility regarding officials who were responsible for delaying the process, recover the same from such officials. F G

17.7. We request the Chief Secretary of the State to inquire into the matter, the way and the manner in which it was dealt with at various stages and more particularly with regard to items (A) to (G) mentioned in para 15 and submit a report H

A to this Court in a sealed cover within two months from today.”

2. In paragraph 17.2 of the aforesaid judgment, we had directed that the crime shall be registered under Section 302 IPC, in keeping with the report dated 27.12.2011 of Shri Kunwar Vijay Pratap Singh, DIG (Crimes) and further investigation shall be undertaken in terms thereof. By direction in paragraph 17.4, we had directed the concerned Superintendent of Police to conduct thorough investigation into the matter.

3. We have been informed by the learned counsel appearing for the State of Punjab that appropriate investigation was undertaken and has culminated in filing of a report under Section 173 Cr.P.C.

4. Ms. Kamini Jaiswal, the learned counsel appearing for Respondent No.1, has submitted that the investigation in question was not in conformity with the direction issued by this Court. This part is objected to by Ms. Vibha Datta Makhija, the learned senior counsel appearing for the other side.

5. Be that as it may, since appropriate report under Section 173 now stands filed before the concerned Court, we leave the entire matter to be considered by the concerned Court.

6. It goes without saying that the Court will bestow due attention to the report under Section 173 in accordance with law and also in keeping with the directions passed by this Court. If Respondent No.1 prefers any protest petition, the Court will consider the entire matter including such protest petition as well as any other objection, if preferred thereto, and pass appropriate orders in accordance with law.

7. In so far as the report in compliance of our direction in paragraph 17.7 is concerned, a report has been submitted by the Chief Secretary, Government of Punjab. We have gone through the reports and see no reason to carry the matter further and we close the matter. The reports be returned to the Chief Secretary, Government of Punjab in a sealed cover.

8. The proceedings are formally closed with the above directions.