

Sr. No.101

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

COCP-1174 of 2020 (O&M)

Date of Decision: 01.07.2020

Sukhpal Kaur

...Petitioner

Versus

Dinkar Gupta

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Parvinder Singh, Advocate,
for the petitioner.

Ms. Anu Pal, DAG, Punjab.

(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

Limited grievance of the petitioner herein is that the Investigating Officer himself is the complainant in the FIR in question bearing No.30 dated 10.03.2020. Petitioner, therefore, has a reasonable and just apprehension of not only there being conflict of interest but likely miscarriage of justice arising therefrom.

2. This is the second foray of the petitioner before this Court. In previous round, instituted vide CRM-M-13952 of 2020, this Court had disposed of the petition with a direction to the competent authority i.e. Director General of Police to pass appropriate orders on the representation of the petitioner, provided there was one filed by him.

3. On a query of this Court, learned State counsel submits that after receipt of the copy of the petition, she sought telephonic instructions from Mr. Gurvinder Singh Bhatti, Law Officer. She submits that apprehensions of the petitioner have already been allayed, in as much as, decision has been taken that now a police officer of the rank of Superintendent of Police shall be

deputed as new Investigating Officer. The earlier Investigating Officer, who was also the complainant, shall not thus be conducting any further investigation.

4. That being the position, the present contempt petition is rendered infructuous and no further proceedings are required.

5. Copy of the formal order appointing the official of the rank of Superintendent of Police as an Investigating Officer shall be handed over to the petitioner and/or his counsel within a period of 30 days.

6. Disposed of in above terms.

(ARUN MONGA)
JUDGE

01.07.2020
vandana

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No