

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 6899/2021

[Arising out of impugned judgment and order dated 09-08-2021 in CRM-M No. 22092/2021(O&M) passed by the High Court of Punjab & Haryana at Chandigarh]

DEEPAK GUPTA

Petitioner(s)

VERSUS

THE STATE OF PUNJAB & ANR.

Respondent(s)

Date : 28-03-2025 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) : Mr. Vishwajit Singh, Sr. Adv.
Ms. Veera Kaul Singh, AOR
Ms. Ridhima Singh, Adv.
Mr. Pankaj Singh, Adv.

For Respondent(s) : Mr. Vivek Goyal, Adv.
Ms. Shalya Agarwal, Adv.
Mr. Gopal Prasad, AOR

Mr. Siddhant Sharma, AOR

UPON hearing the counsel the Court made the following

O R D E R

1. The instant petition is at the instance of father of the victim who is aggrieved by an order dated 09.08.2021 passed by the Punjab and Haryana High Court, granting bail to respondent No.2.
2. The marriage of the petitioner's daughter Neha was solemnized with respondent No.2 on 30.01.2011. They were blessed with a daughter born in 2014. The family was residing in Dream City Society, Amritsar.
3. There are allegations that Neha came into contact with one

Sagar Malik and his mother Neeta Malik who were living in neighbourhood. Sagar Malik is alleged to have developed intimate relationship with Neha, and he wanted to marry her, for which his mother also presurised Neha. The petitioner asserts that his daughter did not come under the pressure and eventually she along with her husband re-located themselves to Batala - a Town in District Gurdaspur.

4. On 01.01.2020, the dead body of Neha was recovered with several injuries on her body. The postmortem confirmed it to be an unnatural death. Pertinently, no FIR was registered by respondent No.2-husband of the deceased and it was eventually on 10.01.2020, that the petitioner got the case registered.

5. Respondent No.2 (husband), Sagar Malik and his family were initially suspected to be involved in the murder of Neha.

6. It further seems that the Investigating Officer (IO) did not find any corroborating material against Sagar Malik and his mother, rather a new twist was sought to be given to the case as if Neha died of strangulation. Respondent No.2 who had been arrested meanwhile was thereafter released by the High Court on bail vide impugned order dated 09.08.2021.

7. The IO filed a chargesheet against respondent No.2 on 20.05.2021. However, for the reasons best known to the Punjab Police, the case was transferred to the Crime Branch whereupon a fresh investigation report was prepared, exonerating respondent No.2 which prompted the High Court to release him on bail.

8. The father of the victim is before us primarily on two counts:
(i) he is aggrieved of the bail granted to respondent No.2, and

(ii) the manner in which investigation of the case has been conducted.

9. We have heard learned senior counsel/counsel for the petitioner as well as the State counsel. Record has been perused.

10. While in the peculiar facts and circumstances of this case, we see no valid reason to interfere with the bail granted to respondent No.2, we find that the State Police has failed to investigate the matter in a dispassionate, fair and just manner. The victim died an unnatural death. Had there been a timely investigation to complete the chain of circumstances in which the victim met with brutal death, we are sure that the investigation would have reached a logical conclusion. The transferring of investigation to the Crime Branch, after the chargesheet was already filed, is also a strange action which cannot be countenanced. Once the chargesheet has been filed, ordinarily, it is the prerogative of the Court to consider as to whether or not further investigation is required.

11. All these events having happened more than five years back, the only effective recourse now is to direct the Director General of Police, Punjab to constitute a Special Investigation Team (SIT) comprising of at least 3 officers, which will include one woman officer in the rank of Dy. S.P. or above. The investigation team shall be headed by a fairly senior IPS officer of Punjab cadre who does not otherwise belong to the State of Punjab. Similarly, another member of the SIT will also be an IPS officer of Punjab cadre, whose roots are not traceable in the Punjab. The third member of the SIT, as directed above, will be a woman police

officer of the rank of Dy. S.P. or above. The SIT shall be constituted within one week from the date of receipt of this order. The local police as well as the Crime Branch are directed to handover their records to the SIT and both these agencies will extend full cooperation to the SIT to enable it to find out the truth and take the investigation to its logical conclusion. It would be appreciated if the SIT can conclude the investigation within three months.

12. The Special Leave Petition stands disposed of, in the above terms.

13. Pending application(s), if any, shall stand disposed of.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR