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

CRM-M-36362-2025**Date of Decision: 16.07.2025**

Col. Pushpinder Singh Bath

..... Petitioner

Versus

State of UT, Chandigarh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Preetinder Singh Ahluwalia, Advocate and
Mr. Deepinder Singh Virk, Advocate, for the petitioner.

Mr. Manish Bansal, PP, UT, Chandigarh with
Mr. Alankrit Bhardwaj, Addl.PP, UT, Chandigarh.

Mr. Akashdeep Singh, Advocate, for CBI.

Mr. Karunesh Kaushal, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present second petition under Section 528 of the Bhartiya Nagrik Suraksha Sanhita, 2023, is for transfer of investigation of the case FIR No.69, dated 22.03.2025, registered at Police Station Civil Lines, Patiala for the offence punishable under Section 109, 310, 115(2), 117(1), 117(2), 126(2), 351(2), 190 of BNS, 2023 to which Sections 299, 191 of BNS, 2023 have been added at a later stage, to an independent agency preferably Central Bureau of Investigation in view of the fact that Chandigarh Police to whom the investigation of the present FIR was earlier transferred vide order dated 03.04.2025 passed in CRM-M-16421-2025 has failed to conduct a free and fair investigation.

2. The case in hand is a glaring example where the sentinels of the society have themselves thrown the majesty of law to the winds. The petitioner before this Court is the victim who is praying for a free and fair



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investigation in the said FIR lodged by him. As per the facts alleged by the petitioner in the FIR, on 13.03.2025, at about 12:15 a.m., the petitioner alongwith his son Angad Singh, was travelling from Delhi to Patiala in his car (Honda Civic PB-10-CC-0101). They stopped outside Rajindra Hospital at Harbans Dhabha for having food. His son called his friend Angad Talwar, who also arrived there in his car. In the meantime, a Scorpio car emerged from Rajindra Hospital and stopped. About 7-8 men in civilian clothes came out of the car and approached them. They aggressively told the complainant side to move their car or they would break their legs. Thereafter, they opened attack on the complainant and his son. The complainant revealed his identity that he was a serving Colonel in Army, but despite that they kept beating all of them mercilessly. The ID card of the complainant was also snatched. They all suffered multiple injuries. Some of the attackers identified themselves as Harjinder Dhillon, Harry Boparai, Roni Singh and Surjit Singh. The complainant side was admitted in Rajindra Hospital, where they were medically treated. The complainant kept running from pillar to post, but no FIR was lodged at his behest. However, the FIR was lodged eight days after the occurrence i.e. on 22.03.2025. The accused in the present case were identified to be the police officials and thus, the complainant apprehending no fair investigation, earlier approached this Court by way of filing CRM-M-16421-2025 seeking transfer of the investigation. This Court on the appreciation of the facts and circumstances of the case, transferred the investigation of this FIR vide consent order dated 03.04.2025 to an IPS Officer posted in UT, Chandigarh belonging to AGMUT Cadre by passing the following order:-



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“Accordingly, without commenting anything further on the respective claims of the parties as well as on the merits of the case, lest it may prejudice the case of either of the party, the present petition is disposed of with the consent of both the parties, in the following terms:-

1. The Director General of Police, Chandigarh is directed to entrust the investigation of the FIR (supra) to an IPS Officer posted in U.T., Chandigarh, belonging to AGMUT Cadre, within a period of 01 week from the date of receipt of certified copy of this order.
2. The Investigating Officer is directed to conclude the investigation of the case within a period of 04 months and thereafter submit the report before the concerned jurisdictional Court.
3. The Director General of Police, Punjab, is directed to give full cooperation to the Investigating Officer in the investigation of the case.”

This Court had directed the Investigating Officer to conclude the investigation within a period of four months. The complainant finding no hope of fair and free investigation has again approached this Court by way of filing the present second petition.

3. Mr. Preetinder Singh Ahluwalia, Advocate assisted by Mr. Deepinder Singh Virk, Advocate, appearing for the petitioner has vehemently contended that the petitioner before this Court is a serving Army Officer, who is presently on deputation in Delhi. It is submitted that the accused in the present case are police officials and it is because of the same, the respondent-State since beginning, is trying its level best to shield the accused persons. He submits that the approach of the State is apparent from the fact that the complainant and his son were brutally beaten by the accused police officials without any rhyme and reason, but despite that no FIR was lodged for eight days by the State. It is submitted that after eight days, though the FIR was lodged, but the respondent-State started exercising all



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the tactics to suppress the truth by not proceeding with the investigation in a free and fair manner. Aggrieved, the petitioner approached this Court by way of filing CRM-M-16421-2025 and this Court made strict observations regarding the malafide approach of the Investigating Agency and finally being satisfied that the Investigating Agency is not proceeding with the investigation in a free and fair manner, transferred the investigation from the State of Punjab to UT, Chandigarh vide order dated 03.04.2025.

Learned counsel for the petitioner has further vehemently contended that one of the co-accused, namely, Ronnie Singh Salh approached this Court by way of filing CRM-M-21153-2025 praying for the grant of anticipatory bail. It is submitted that status report was filed by the State and during the course of arguments, CCTV footage was also played before the Court. He submits that this Court had taken into consideration the merits of the case and the conduct of the Investigating Agency in detail. He submits that on taking into consideration the overall facts and circumstances, this Court dismissed the anticipatory bail petition filed by accused Ronnie Singh Salh vide its order dated 23.05.2025. He has invited the attention of this Court to the observations made by Co-ordinate Bench while rejecting the anticipatory bail. He submits that the Investigating Officer had filed an affidavit in the same wherein the Court was assured that in case the anticipatory bail of accused Ronnie Singh Salh is rejected, the accused would be arrested. However, even after dismissal of the anticipatory bail, the Investigating Agency has continued with its conduct of a tainted investigation so as to protect the accused persons who are none other than the police official. He submits that by a specific observation this Court had



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directed the Investigation to be conducted within a period of four months and the time limit given by this Court will come to an end on 03.08.2025, however, neither any accused has been arrested so far nor any statement has been recorded. However, all the efforts are being made to present a crippled charge-sheet before the trial Court. He submits that as per the MLR, the complainant suffered five injuries, out of which injury No.1 was a fracture, whereas, his son suffered eight injuries and despite that the Investigating Agency has deleted offence under Section 109 BNS (Section 307 IPC). It is submitted that the incident has taken place before Rajindra Hospital and the injured complainant and his son got themselves admitted in Rajindra Hospital, whereas, the accused intentionally procured their medical record from a private hospital. He submits that the record of the private hospital was also manipulated so as to mislead the Court.

Learned counsel for the petitioner has also submitted that this Court had directed the Director General of Police, Chandigarh to entrust the investigation to an Officer not below the rank of SSP, however, the same has been entrusted to IPS Manjeet, Superintendent of Police (Headquarter and Intelligence), UT, Chandigarh and thus, he is not even competent to investigate the case in view of the order passed by this Court. It is submitted that the investigation of the case was transferred to UT, Chandigarh so as to ensure a free and fair investigation as the accused persons are officials of Punjab Police, but there is no progress in the investigation even after handing over the investigation to UT, Chandigarh. The Investigating Agency is making out all the efforts to suppress the truth. He further submits that in FIR No.65 statement of Karanjot Singh, (Dhaba owner) under Section 183



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of BNSS (Section 164 Cr.P.C) has been recorded just to fabricate the evidence. He submits that in the attending facts and circumstances of the case, this Court should intervene to ensure a free and fair investigation in the case. To buttress his arguments, he has relied upon the judgments of Hon'ble Supreme Court in **Rubabbuddin Sheikh vs. State of Gujarat, (2010) 1 RCR (Criminal) 738; Rashmi Behl vs. State of Uttar Pradesh, (2015) 2 RCR (Criminal) 45; Pooja Pal vs. Union of India, (2016) 3 SCC 135; and Neetu Kumar Nagaich vs. State of Rajasthan, 2020(16) SCC 777.** He, thus, submits that the investigation of case entrusted to UT, Chandigarh be withdrawn and the same be handed over to the Central Bureau of Investigation.

4. This Court vide order dated 14.07.2025 summoned the Investigating Officer i.e. IPS Manjeet, Superintendent of Police (Headquarter and Intelligence), UT, Chandigarh alongwith the record, who is present in the Court.

5. Mr. Manish Bansal, PP, UT, Chandigarh assisted by Mr. Alankrit Bhardwaj, Addl.PP, UT, Chandigarh, has vehemently opposed the submissions made by counsel for the petitioner. It has been submitted that the investigation of this case was entrusted to UT, Chandigarh vide order dated 03.04.2025 and the State vide order dated 10.04.2025, constituted a Special Investigation Team. He has given the sequence of the investigation being carried out by UT, Chandigarh after having been entrusted the investigation. He has brought the attention of this Court to the steps taken so far in conducting the investigation. He submits that after the dismissal of the anticipatory bail of accused Ronnie Singh Salh, raids were conducted to



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arrest him, however, he could not be apprehended. He submits that opinion of the Doctor regarding the injuries was sought and the Doctor vide his opinion dated 10.06.2025 had opined that the injuries suffered by complainant Pushpinder Singh Bath and his son Angad Singh Bath were not dangerous in nature. Thus, the Investigating Agency is of the opinion that offence under Section 109 BNS (Section 307 IPC) is not made out. He submits that the contentions raised by counsel for the petitioner, are without any basis and the investigation would be conducted in a free and fair manner.

The Court has interacted with the Investigating Officer i.e. IPS Manjeet, Superintendent of Police (Headquarter and Intelligence), UT, Chandigarh, who is present in Court. He has submitted that as the offence under Section 109 BNS (Section 307 IPC) is not made out, hence, custody of the accused is not warranted in the present case. He has apprised the Court that though all the accused are police officials, however, they are not traceable and are absent from their duties as well.

To support his arguments learned counsel for UT, Chandigarh has relied upon the judgments of Hon'ble Supreme Court in **S.Senthil Kumar vs. State of Tamilnadu**, 2022(2) Apex Court Judgments (SC) 257; **Vishwanath Biradar vs. Deepika and others**, 2021(2) Apex Court Judgments (SC) 4; **M.C. Abraham and another vs. State of Maharashtra and others**, 2003(1) RCR (Criminal) 452; **State of West Bengal vs. Sandip Biswas**, 2022 LiveLaw (SC) 1024; **Sakiri Vasu vs. State of UP and others**, 2008(1) RCR (Criminal) 392 and judgments of this Court in **Hansa Singh vs. State of Punjab and others**, Law Finder



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Doc Id # 2004083.

6. Learned counsel for State of Punjab has affirmed the fact that the investigation of the present FIR was transferred to UT, Chandigarh with the consent of State of Punjab to resolve the controversy involved, however, he has opposed the prayer made in the present petition to transfer the investigation to CBI.

7. Heard learned counsel for the parties and perused the record with their able assistance. As deciphered, the occurrence in the present case was taken place in the intervening night of 13.03.2025, however, the FIR was registered on 22.03.2025. Interestingly, there is one more FIR i.e. FIR No.65 dated 15.03.2025, under Section 194(2) of BNS, registered at Police Station Civil Lines, Patiala, at the behest of complainant, Karanjot Singh, who is the owner of the *Dhaba*. Admittedly, the complainant in the present case is a serving Army Officer and the accused are the police officials. The occurrence admittedly had taken place in the intervening night of 13/14.03.2025. As is evident from the medical record, the complainant and his son suffered multiple injuries in the incident. There is no explanation for lodging the FIR after a delay of eight days from the occurrence. However, as apparent, the FIR No.65 regarding the same incident was registered by the police two days thereafter, i.e. 15.03.2025. Perusal of this FIR, *prima faice* shows that the same has been lodged in a premeditated manner so as to give benefit to the accused, who are the officials of Punjab Police. Apprehending no fair investigation, the petitioner had earlier approached this Court by way of filing CRM-M-16421-2025. This Court finding the apprehension of the petitioner to be genuine, transferred the investigation from the State of



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Punjab to UT, Chandigarh and directed the Director General of Police, Chandigarh to entrust the investigation of the FIR to an IPS Officer posted in U.T., Chandigarh, belonging to AGMUT Cadre, vide order dated 03.04.2025. Specific observations were made by this Court in concluding the investigation. One of accused also filed anticipatory bail, wherein, this Court observed the attending circumstances of the case exhaustively and in no uncertain terms observed that the Investigating Agency is making out all the efforts in protecting the accused being the police personnel. Status report by way of affidavit was filed by giving undertaking that accused would be arrested. However, the respondent-State in emphatic terms had apprised that the offence under Section 109 BNS (Section 307 IPC) has already been deleted. So far progress in the investigation is concerned, except saying that the investigation is in progress, there is no material to convince the Court that the investigation is being carried out in a free and fair manner. Time limit of four months granted by this Court is almost over. Without concluding the investigation, the Investigating Agency has already made up its mind to delete the offence under Section 109 BNS (Section 307 IPC), which substantiate the apprehension of the petitioner that the Investigating Agency is proceeding in a tainted manner to give benefit to the accused. Needless to say that other offences in the FIR are also non-bailable, but the Investigating Agency has no answer regarding its conduct in not proceeding against the accused. The only answer given to the Court is that all the accused are not traceable. The Court cannot lose the sight that all the accused are serving police officials. The Court is conscious of the fact that, how and in what manner, the investigation would be carried out, would lie in



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the domain of the Investigating Agency, however, to ensure a free and fair investigation, lies within the domain of the Court. This Court had entrusted the investigation out of the State of Punjab so as to ensure an impartial investigation but the Court finds no change in the situation. Without completing the investigation, when the Investigating Agency has already deleted the offence under Section 109 BNS (Section 307 IPC), approach of the Investigating Agency is clear enough. A free and fair investigation is the backbone of every criminal trial. If the investigation itself is compromised, the trial before the Court loses its sanctity. The supremacy of the law is independent of the status of the accused.

From the overwhelming circumstances of the case, the Court is convinced that the Investigating Agency is not only trying to create loopholes in the investigation, but trying to make craters in the investigation so as to ensure that once the charge-sheet is filed before the Court, the case of the prosecution should hardly be able to crawl in the Court. The purpose of the investigation is to bring out the truth and not to suppress the same. The success of the Investigating Agency is in collecting the best of the evidence and present the same before the Court and not to fabricate the evidence and submit the hopeless charge-sheet before the Court so as to ensure that the Court is left with no other option then to grant the benefit of doubt to the accused. A free and fair investigation is part of Constitution enshrined under Article 21 of the Constitution of India.

Hon'ble Supreme Court time and again has dealt with the similar issue. This Court gets support from the judgment of Hon'ble Supreme Court in **Babubhai vs.State Gujarat, 2010 (4) RCR (Criminal)**



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311.

“34. In the instant case, admittedly, the High Court has given detailed reasons for coming to the conclusion that the investigation has been totally one-sided, biased and mala fide. One party has been favoured by the investigating agency. The natural corollary to this finding is that the other party has been harassed in an unwarranted manner. Thus, the cause of the other party has been prejudiced. The charge sheets filed by the investigating agency in both the cases are against the same set of accused. A charge sheet is the outcome of an investigation. If the investigation has not been conducted fairly, we are of the view that such vitiated investigation cannot give rise to a valid charge sheet. Such investigation would ultimately prove to be precursor of miscarriage of criminal justice. In such a case the court would simply try to decipher the truth only on the basis of guess or conjunctures as the whole truth would not come before it. It will be difficult for the court to determine how the incident took place wherein three persons died and so many persons including the complainant and accused got injured. **Not only fair trial but fair investigation is also part of constitutional rights guaranteed under Article 20 and 21 of the Constitution of India. Therefore, investigation must be fair, transparent and judicious as it is the minimum requirement of rule of law. The investigating agency cannot be permitted to conduct an investigation in a tainted and biased manner. Where non-interference of the court would ultimately result in failure of justice, the court must interfere. In such a situation, it may be in the interest of justice that independent agency chosen by the High Court makes a fresh investigation.**”

Further Hon’ble Apex Court in Rubabbuddin Sheikh’s (supra), held as under:-



“48. In R.S.Sodhi vs. State of U.P. (AIR 1994 SC 38) on which reliance was placed by the learned senior counsel appearing for the writ petitioner, this Court observed :

"We have perused the events that have taken place since the incidents but we are refraining from entering upon the details thereof lest it may prejudice any party but we think that since the accusations are directed against the local police personnel it would be desirable to entrust the investigation to an independent agency like the Central Bureau of Investigation so that all concerned including the relatives of the deceased may feel assured that an independent agency is looking into the matter and that would lend the final outcome of the investigation credibility. However, faithfully the local police may carry out the investigation, the same will lack credibility since the allegations are against them. It is only with that in mind that we having thought it both advisable and desirable as well as in the interest of justice, to entrust the investigation to the Central Bureau of Investigation."

49. This decision clearly helps the writ petitioner for handing over the investigation to the CBI Authorities or any other independent agency. It is an admitted position in the present case that the accusations are directed against the local police personnel in which High Police officials of the State of Gujarat have been made the accused. Therefore, it would be proper for the writ petitioner or even the public to come forward to say that if the investigation carried out by the police personnel of the State of Gujarat is done, the writ petitioner and their family members would be highly prejudiced and the investigation would also not come to an end with proper finding and if investigation is allowed to be carried out by the local police authorities, we feel that all concerned including the relatives of the deceased may feel that investigation was not proper and in that circumstances it would be fit and proper that the writ petitioner and the relatives of the deceased should be assured that an independent agency should look into the matter and that would lend the final outcome of the investigation credibility, however, faithfully the local police may carry out the investigation, particularly when the gross allegations have been made against the



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high police officials of the State of Gujarat and for which some high police officials have already been taken into custody.

50. It is also well known that when police officials of the State were involved in the crime and in fact they are investigating the case, it would be proper and interest of justice would be better served if the investigation is directed to be carried out by the CBI Authorities, in that case CBI authorities would be an appropriate authority to investigate the case. In Ramesh Kumari vs. State (NCT Delhi) & Ors. [2006 (2) SCC 677], this Court at Paragraph 8 observed :

".....We are also of the view that since there is allegation against the police personnel, the interest of justice would be better served if the case is registered and investigated by an independent agency like CBI."

.....

60. In our view , the investigation of crime was carried out de hors the mandate contained in the Cr.P.C. and particularly Chapter XII containing Section 154-176 of the Code. There had been no fresh FIR filed despite primary investigation No. 66 to make the same the basis for investigation and trial. In the case of Sheikh Hasib alias Tabarak vs. The State of Bihar [(1972) 4 SCC 773], it was held that the object of FIR, from the point of view of the investigating authorities, is to obtain information of the alleged criminal activity so as to take suitable steps for tracing and bringing to book the guilty party. Admittedly, the FIR dated 16th of November, 2005 which was filed following the alleged encounter was a fabricated one and, therefore, it could not have formed the basis of the real investigation to find the truth. Ms. Geeta Johri herself in her report dated 7th of December, 2006 had conceded that ATS was not a regular police station in which FIR should have been filed. It was further submitted that the investigation and charge sheet were silent on the motive behind the 'killings'.



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The only motive stated is fame. In the cases of Babu Lodhi vs. State of UP (1987) 2 SCC 352 and Prem Kumar and Anr. v. State of Bihar, (1995) 3 SCC 228, it was held that motive assumes greater significance in case where the case rests on circumstantial evidence, as in the present case. That apart, from the Action Taken Reports submitted by the State Police Authorities, we also find that the State Police Authorities of the Gujarat had to take help from the other police officials of other States, namely, Andhra Pradesh and Rajasthan. If the investigation is transferred to the CBI Authorities it would be fair and proper that the other State police officials should also help the CBI Authorities in coming to a final conclusion on the allegations made by the writ petitioner and also on the offences alleged to have committed by some of them.

8. Weighing the facts and circumstances of the present case on the anvil of law settled, this Court finds that there are no prospects of free and fair investigation in the case by the Investigating Agency of UT, Chandigarh. Lord Hewart, the then Chief Justice of England in the case of **Rex vs. Sussex Justices, (1924) 1 KB 256**, laid down dictum “***Justice must not only be done, but must also be seem to be done***”. It is a well settled principle of law. In the facts and circumstances of the present case, the Court cannot be a moot spectator to the conduct of the Investigating Agency in conducting the investigation in a tainted manner. Hence, the investigation of the case is withdrawn from UT, Chandigarh with immediate effect. Hereinafter, the investigation of the case is handed over to the Central Bureau of Investigation.

At this stage, Mr. Akashdeep Singh, Advocate, who is present in Court, accepts notice on behalf of CBI.



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At this stage, learned counsel for UT, Chandigarh has submitted that investigation of connected FIR No.65 dated 15.03.2025, under Section 194(2) of BNS, registered at Police Station Civil Lines, Patiala was also transferred to SIT headed by Manjeet IPS, Superintendent of Police (Headquarter and Intelligence), UT, Chandigarh, vide order dated 01.05.2025. He, thus, submits that since both the FIRs are arising out of same incident, investigation of FIR No.65 be also transferred alongwith the investigation of the present FIR.

SIT headed by Manjeet, IPS, Superintendent of Police (Headquarter and Intelligence), UT, Chandigarh is directed to hand over the complete record of both the FIRs to CBI forthwith.

9. In view of the above detailed discussions, the present petition is allowed.

(RAJESH BHARDWAJ)
JUDGE

16.07.2025
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No