

211

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-47174-2024 in CRM-M-37149-2021

SARAJ

.....APPLICANT/PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

Present: Mr. Beant Singh, Advocate
for the applicant/petitioner.

Mr. A.D.S. Sukhija, Addl. AG, Punjab.

The instant application came up for hearing before this Court seeking revival of the main petition i.e. CRM-M-37149-2021, which was dismissed on 17.09.2024 in the light of the assurance given by State of Punjab that all strenuous efforts would be made to complete the investigation in FIR No.36 dated 28.03.2021, under Sections 307, 379-B, 34 of IPC, 1860 alongwith Sections 25 & 27 of the Arms Act, 1959, registered at Police Station Sadar Ferozepur, within one month from the date of passing of the said order.

It has been asserted that the Station House Officer, Police Station Sadar Ferozepur was apprised of the order dated 17.09.2024 passed by this Court in CRM-M-37149-2021 alongwith the copy of the said order and a request was made to complete the investigation as per undertaking given before this Court. The applicant/petitioner made an innocuous submission while stating that the Station House Officer showed his inability to conduct a proper investigation until and unless bail granted to the accused by the Additional Sessions Judge, Ferozepur on

16.07.2021 (Annexure P-8) is not cancelled. The applicant/petitioner further pointed out that it has already come on record in the investigation conducted so far that there have been exchange of 30 calls between respondent No.2/accused and two unknown persons, who attacked on the petitioner by giving gun-shot fires with the intent to kill him and it is respondent No.2/accused, who can disclose their identity, but has been granted bail by the Court of Additional Sessions Judge, Ferozepur, which is causing prejudice to the proper conduct of investigation.

It is in this backdrop, the present application has been filed seeking revival of the main petition to reconsider cancellation of bail of the accused/respondent No.2.

This Court on 03.12.2024 made a stern observation that under compelling circumstances i.e., pendency of investigation for the last 3 ½ years, which is an inordinate delay, is calling upon Senior Superintendent of Police, Ferozepur to show cause as to why the proceedings under Contempt of Court be not initiated having not honoured the assurance given before this Court on 17.07.2024, which tantamount to deliberate and intentional disregard to the judicial dignity and discipline that too by a force, which is assumed to be most methodical in the governance of State.

Mrs. Saumya Mishra, IPS, Senior Superintendent of Police, Ferozepur came present in Court, who filed an affidavit giving explanation but due to non-availability of the counsel for the applicant/petitioner, hearing was deferred to 19.12.2024. The matter was kept stand by as the Court was not holding on 19.12.2024 and it came up for hearing on 20.12.2024.

Having perused the earlier affidavit dated 11.12.2024 filed by Senior Superintendent of Police, Ferozepur, it is revealed that no explanation is coming

forth as to why the investigation is delayed and challan was not filed so far in the FIR, which was registered way back on 16.07.2021, learned State counsel seeks more time to file a better affidavit.

Interestingly, another striking aspect has come to light that after the instant application was scheduled for hearing on 03.12.2024 and notice was issued for 11.12.2024, the challan was hurriedly presented on 09.12.2024. One of the accused, Bansilal, is still at large and has not been arrested, despite the standard excuse of conducting raids at various locations. The affidavit in question lacks any details regarding the use of scientific methods to apprehend the accused, such as tracking his mobile phone or its location, or monitoring any bank account transactions made by Bansilal (respondent No. 2).

Having experienced lackluster response of the State Government not only in the instant petition, where the investigation has been delayed beyond the usual timeframe, but also in other cases presented before this Court on the same day, such as CRM-M-59916-2024 and CRM-M-58424-2024 related to the districts of Ludhiana and Jalandhar respectively, this Court directed the Director General of Police to provide details of all FIRs pending within the State of Punjab where investigations have not been completed within the prescribed statutory period. Furthermore, it was noted that in the majority of cases, no extension for investigation has been sought, as observed by this Court during the hearing of multiple petitions.

The directions in its order dated 20.12.2024 read as under:-

“The court has expressed its role as a guardian of the Constitution, emphasizing the need for state agencies to effectively implement law and order. This concern arises from a noticeable increase in petitions highlighting failures in law enforcement, particularly in Punjab. In

response, the court has directed the Director General of Police, Punjab, to provide a detailed report on pending First Information Reports (FIRs) that have not been investigated within the time frame specified by the Punjab New System of Security (BNSS), 2023, and the Criminal Procedure Code (Cr.P.C.). The report must include district-wise statistics detailing the registration dates of these FIRs and any proceedings that have occurred.

This directive underscores the judiciary's commitment ensuring accountability within law enforcement and addressing public concerns regarding safety and justice. The court's call for transparency aims to rectify shortcomings in the investigation process and enhance public trust in the legal system.”

In response, a bulky affidavit was filed by Gaurav Yadav, IPS, Director General of Police, Punjab, Chandigarh, along with an affidavit from Saumya Mishra, Senior Superintendent of Police, Ferozepur, by the respondent/State. The affidavits included a district-wise breakdown of FIRs, revealing that over 10,000 FIRs in the State are still pending investigation, despite the lapse of the prescribed 90-days period within which the Investigating Agency is required to submit a final report. The State was represented by Mr. A.D.S. Sukhija, learned Additional Advocate General of Punjab, who also stated on record that 79,000 FIRs are pending in similar circumstances, where the stipulated period for submitting the final report has already expired. However, the Court acknowledged the steps taken in this regard, noting that they would greatly assist the State in taking decisive and effective action to address the significant backlog of 79,000 pending FIRs.

Shocked at the staggering figure of 79,000 FIRs still awaiting logical conclusion in the FIRs despite lapse of statutory period, State is called upon to

submit an Action Plan within a period of two weeks, which shall depict the date of FIR, the time prescribed under the Court for the completion of investigation and the proposed time frame to conclude the same.

The said information shall be furnished by way of an Affidavit of Director General of Police, Punjab.

On the other aspect pertaining to the instant FIR, one accused namely Mithan was granted the concession of anticipatory bail by the Sessions Court qua other accused person one stands identified as Bansi Lal r/o Mujaffarnagar (Shamli) and all efforts are being made to track him further.

To come up on 30.01.2025 for further consideration.

08.01.2025
Meenu

(SANDEEP MOUDGIL)
JUDGE