

COURT ON ITS OWN MOTION VS. STATE OF PUNJAB AND ORS.

Present: Ms. Tanu Bedi, Advocate as Amicus Curiae and
Ms. Palak Singla, Advocate

Mr. Satyapal Jain, Additional Solicitor General of India with
Mr. Arun Gosain, Senior Govt. Counsel for respondent/UOI.

Mr. ADS Sukhija, Addl. AG, Punjab,

Mr. Anant Kataria, DAG, Haryana.

Mr. Munish Bansal, Public Prosecutor, UT, Chandigarh and
Mr. Rajiv Vij, Addl. PP, UT, Chandigarh.

Mr. Prabodh Kumar, Special Director General of Police,
PSHRC-cum-Head of the SIT (through video conferencing)

Mr. Hitesh Verma, Advocate and
Mr. Vishwajeet Singh, Advocate for applicant
in CM-85-CWPIL-2023

It has been brought to the notice of this Court that a cancellation report has been filed before the JMIC, SAS Nagar. With the consent of the counsel for the parties, case is taken up for hearing today by preponing the hearing from 28.10.2024.

This Court had appointed Mr. Prabodh Kumar, Special Director General of Police, Punjab State Human Rights Commission as Head of the SIT to conduct investigation in FIR No.1 dated 05.01.2024, registered at Police Station State Crime, Punjab SAS Nagar. The SIT had filed several status reports before this Court on 10.07.2024, 07.08.2024, 06.09.2024, 12.09.2024 and 15.10.2024. The Head of the SIT had sought 3 months' time to complete the investigation on 10.07.2024. The matter had come up for hearing on 15.10.2024 when the Head of the SIT had filed an affidavit. In the affidavit, a self-contained note indicating the misconduct, negligence and dereliction of duty by the concerned officers had also been appended.

It has now come to our notice that cancellation report has also been filed before the JMIC, SAS Nagar on 09.10.2024. However, it is perplexing to note that the said report was not furnished to this Court on 15.10.2024 when the matter had come up for hearing. The counsel for the State of Punjab has not been able to provide any satisfactory explanation with regard to the tearing hurry in filing cancellation report before JMIC, SAS Nagar. He prays for time to seek necessary instructions on the issue. We, therefore, direct the SIT Head to file a copy of the investigation report before this Court forthwith. A copy of the same be also furnished to the Additional Solicitor General of India, Amicus Curiae and counsel for the States of Punjab and Haryana.

List on 28.10.2024.

In the meantime, we direct that further proceedings before the JMIC, SAS Nagar be stayed.

Photocopy of this order be placed in the connected files.

(ANUPINDER SINGH GREWAL)
JUDGE

(LAPITA BANERJI)
JUDGE

16.10.2024
SwarnjitS