

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7124 OF 2013
(ARISING OUT OF SLP(C) NO.2503 OF 2009)

STATE OF PUNJAB & ANR.APPELLANTS
VERSUS
KIRPAL SINGH & ORS.RESPONDENTS
WITH
CIVIL APPEAL NO.7125 OF 2013
(ARISING OUT OF SLP(C) NO.15972 OF 2010)

O R D E R

Leave granted.

The appellants are aggrieved by the interim order dated 05.12.2008 of the High Court of Punjab and Haryana by which it had directed the Central Bureau of Investigation (CBI) to make an investigation.

The parameters for exercise of power under Article 226 and 227 of the Constitution of India for directing investigation have been set out by the Constitution Bench of this Court in the case of State of West Bengal & Ors. vs. Committee for Protection of Democratic Rights, West Bengal & Ors. - 2010 (3) SCC 571.

The order impugned ex-facie does not conform to that.

In view of the aforesaid, we set aside the impugned order of the High Court directing for investigation by CBI and remit the matters back for reconsideration in accordance with law.

It is made clear that we have not expressed any opinion in regard to the claim and the counter-claim made by the parties.

The appeals stand disposed of accordingly.

.....J
[CHANDRAMAULI KR. PRASAD]

.....J
[KURIAN JOSEPH]

NEW DELHI;
AUGUST 23, 2013.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).2503/2009

(From the judgement and order dated 05/12/2008 in CWP No.10198/2008 of The
HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

STATE OF PUNJAB & ANR. Petitioner(s)
VERSUS

KIRPAL SINGH & ORS. Respondent(s)

(With prayer for interim relief and office report) (For final disposal)

WITH SLP(C) NO.15972 of 2010
(With prayer for interim relief and office report)

Date: 23/08/2013 These Petitions were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD
HON'BLE MR. JUSTICE KURIAN JOSEPH

For Petitioner(s) Mr. A.K. Ganguli, Sr. Adv.
Mr. Jagjit Singh Chhabra, Adv.

Mr. Harish N. Salve, Sr. Adv.
Mr. Ashok K. Mahajan, Adv.

For Respondent(s) Mr. Sunny Choudhary, Adv.
Mr. C.D. Singh, Adv. (N.P.)

Mr. P.S. Patwalia, Sr. Adv.
Mr. Ashok K. Mahajan, Adv.

Mr. Kuldip Singh, Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.

Interlocutory Application No.2 for impleadment of Central Bureau
of Investigation as party respondent is rejected.

The appeals stand disposed of in terms of the signed order.

| (SANJAY KUMAR) COURT MASTER | (USHA SHARMA) |
| COURT MASTER |

(Signed order is placed on the file)