

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1929 OF 2010

AVTAR SINGH & ORS. ... APPELLANTS

VS.

GURVINDER SINGH SAMRA & ORS. ... RESPONDENTS

O R D E R

Application for impleadment is allowed.

2. Appellants are aggrieved by the order of the High Court dated 15th February, 2008 passed in Criminal Miscellaneous No. 37885-M of 2007 whereby it has directed the investigation of the cases to the Central Bureau of Investigation ("C.B.I." for short).

3. In view of the order which we propose to pass in this appeal, it is inexpedient to give in detail the facts of the case. Suffice it to say that on the basis of a report given by appellant No. 1, F.I.R. No. 35 dated 25th March, 2007 was registered under Section 298/188 of the Indian Penal Code ("IPC" for short). Similarly, on the basis of reports given by appellant No. 2, Ram Singh, appellant No. 5, Balwant Singh and appellant No. 4, Nirbhai Singh, F.I.R. No. 19 dated 2nd March, 2007 under Section 295-A/188 of the IPC, F.I.R. No. 74 dated 13th June, 2007 under Section 420 of the IPC and F.I.R. No. 42 dated 9th February, 2007 under Section 420 of the IPC respectively were registered. By the impugned order, the High Court, besides the aforesaid cases, has directed for entrusting the aforesaid cases also for investigation to the C.B.I.

4. In the present appeal we are concerned with only those cases registered at the instance of the appellants.

5. It is common ground that F.I.R. No. 35 dated 25th March, 2007 and F.I.R. No. 19 dated 2nd March, 2007 have resulted into conviction of the accused.

6. In view of the aforesaid, we modify the direction of the High Court and direct that the aforesaid two cases which have already resulted into the conviction shall not be entrusted to the C.B.I. for investigation.

7. In the peculiar facts of the present case, in exercise of our discretion under Article 136 of the Constitution of India, we are not inclined to interfere with the direction of the High Court by which it had entrusted to the C.B.I. for investigation of F.I.R. No. 74 dated 13th June, 2007 and F.I.R. No. 42 dated 9th February, 2007.

8. The appeal stands disposed of with the aforesaid modification.

(Chandramauli Kr. Prasad)

.....J.
(Fakkir Mohamed Ibrahim Kalifulla)

New Delhi; the
March 14, 2013

ITEM NO.105 COURT NO.11 SECTION IIB

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CRIMINAL APPEAL NO(s). 1929 OF 2010

AVTAR SINGH & ORS. Appellant (s)

VERSUS

GURVINDER SINGH SAMRA & ORS. Respondent(s)

(With appln(s) for impleadment)

Date: 14/03/2013 This Appeal was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD
HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Appellant(s) Mr. Rishi Malhotra,Adv.

For Respondent(s) Mr. Sanchar Anand, Add. A.G.
RR 2 to 6 Mr. Kuldip Singh, Adv.

For C.B.I. Mr. Baldev Atreya, Adv.
 Mr. R. Nanda, Adv.
 Mr. B.V. Balram Das, Adv.
 Mr. B. Krishna Prasad ,Adv

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

Application for impleadment is allowed.
The appeal stands disposed of in terms of the signed order.

| (S.K. Rakheja) | | (Indu Satija) |
| Court Master | | Court Master |

(Signed order is placed on the file)