

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 (Crl) No(s).2046/2008

(From the judgement and order dated 23/07/2007 in CWP No. 629/2006  
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

CENTRAL BUREAU OF INVESTIGATION,DIG,ND Petitioner(s)

VERSUS

RESHAM SINGH & ORS. Respondent(s)

(With appln(s) for stay and office report )

Date: 10/12/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.S. SIRPURKAR  
HON'BLE MR. JUSTICE T.S. THAKUR

For Petitioner(s) Mr. H.P. Raval, ASG  
Mr. Ashok K. Srivastava, Adv.  
Mr. Anirudh Sharma, Adv.  
Mr. A.K. Sharma, Adv.  
Mr. B. Krishna Prasad,Adv.

For Respondent(s) Mr. Jayant K. Sud, Adv.  
Mr. Kuldip Singh,Adv.  
  
Ms. Jayshree Satpule, Adv.  
Ms.Jyoti Mendiratta ,Adv

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

Leave granted.

The appeal is disposed of in terms of signed order.  
(Pardeep Kumar) (Shashi Bala Vij)  
Court Master Court Master  
[ SIGNED ORDER IS PLACED ON THE FILE ]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No. 2363 OF 2010  
[ ARISING OUT OF S.L.P.(CRL) NO. 2046 OF 2008 ]

CENTRAL BUREAU OF INVESTIGATION, DIG,ND ... Appellant(s)

Versus

## O R D E R

1. Leave granted.

2. Challenge in this appeal is to the order dated 23.7.2007 in Criminal Writ Petition No. 629 of 2006 whereby the High Court directed the appellant - Central Bureau of Investigation (C.B.I.) to produce the detenu Satvir Kaur within four weeks from the receipt of copy of that order.

3. We have heard learned counsel appearing for the parties.

4. The impugned order seems to have been passed in the writ petition which was filed by the father of the missing girl Satvir Kaur. It seems that during the hearing of this Writ Petition, an application came to be made before the High Court for transferring the investigation to the C.B.I.

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on account of total inaction on the part of the Punjab Police. However, that application does not seem to have been decided upon as yet. It is stated by Mr. Jayant Sud, learned counsel appearing for the State of Punjab that the charge-sheet in this matter has already been filed before the trial court against six persons for the offence of kidnapping or as the case may be of abduction of the girl Satvir Kaur. Be that as it may, we do not find any justification for the High Court to direct the C.B.I. to produce the detenu even without hearing the C.B.I..

5. It is an admitted position that in the writ petition, the C.B.I. was not made a party. It not possible to uphold the impugned order for the simple reason that unless the investigation was directed to be conducted by the C.B.I., there was no point in throwing the responsibility on the C.B.I. to trace the missing girl. We, therefore, set-aside the impugned order and remand this matter to the High Court with a request to dispose of the application filed by the respondent No. 1 to transfer the investigation to the C.B.I.

The High Court is also requested to dispose of the writ petition on merits without any undue delay.

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6. With these observations, the appeal stands disposed of.

.....J.  
(V.S.SIRPURKAR)

.....J.  
(T.S. THAKUR)

New Delhi,  
DECEMBER 10, 2010.