

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**C.R.M-M No.19140 of 2014
Date of Decision : 22.01.2015**

Satta Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Ashok Giri, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, Addl.A.G., Punjab.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

Affidavit filed on behalf of Sohan Singh, PPS, Deputy Superintendent of Police, Baba Bakala, District Amritsar Rural, in compliance of order dated 15.12.2014 is taken on record. Copy has been supplied.

This petition has been filed for a direction to official respondents to conduct fair, impartial and proper investigation in Cross Case vide DDR No.23 dated 25.08.2013 registered under Sections 326, 323, 506, 148, 149 IPC arising out of FIR No.156 dated 10.08.2013 under registered Sections 323, 326, 148, 149 IPC at Police Station Ajnala, District Amritsar Rural.

The primary grouse of the petitioner was that despite having suffered serious injuries the cross version has been directed to be cancelled.

On 15.12.2014 the following order was passed:-

“DSP Sohan Singh is present. He is directed to file his personal affidavit explaining as to what was the circumstance which led him to recommend cancellation of Cross-version of FIR in the present case.

Adjourned to 22.01.2015.”

Pursuant to the aforesaid order the affidavit has been filed as mentioned above. The reasons given in the affidavit are firstly that instead of the petitioner being taken to the Civil Hospital, Ajnala which is 13 kms away or to the Civil Hospital, Lopoke which is 18 kms away from the place of occurrence, he was taken to the Guru Nanak Dev Hospital, Amritsar, which is about 43 kms away.

Learned counsel for the petitioner has argued that in view of the serious condition of the petitioner this fact cannot be held reasonable in any manner and in any case the explanation sought to be raised is meaningless because the hospital to which the petitioner was taken is also a government hospital.

The second reason advanced is that the doctor had opined that the possibilities of injuries No.1 to 3 being inflicted by friendly hand could not be ruled out. Considering that with regard to injury No.4 the doctor had himself opined that the chances of injury No.4 being self-inflicted is rare, this reason also does not have any merit. The next reason is that one witness had informed the deponent that Narinder Singh was present at

Gumtala Bye-pass. Again the mere statement of one person who may be interested to bail-out the said Narinder Singh cannot be deemed to be conclusive. With regard to Bikar Singh's involvement, it has been stated that he had gone for patrolling as per the entry in Rojnamcha. To my mind, even this cannot be a conclusive reason because it is not unknown for entries to have been made later or for the person to have slipped away from his duty. The argument of the learned Additional Advocate General that the investigation report has been accepted by the S.S.P, Amritsar also would not help the case of the respondents,

In these circumstances, the argument that the petitioner is a victim of, for want of a more serious expression, less than an efficient investigation cannot be said to be meaningless. Resultantly, the cancellation report is set aside and the matter is directed to be investigated by a senior officer to be personally nominated by the S.S.P, Amritsar.

Petition stands disposed of in the above terms.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

January 22, 2015

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**(AJAY TEWARI)
JUDGE**