

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

CRM-M No. 22845 of 2014 (O&M)

Date of decision: 16.01.2015

Amarjit Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. R.V.S. Chugh, Advocate
for the petitioner.

Mr. Mehardeep Singh, DAG, Punjab
assisted by ASI Gurcharan Singh.

Mr. Akshay Jain, Advocate for
respondents No.9 to 11.

Jitendra Chauhan, J. (Oral)

The present petition under Section 482 of the Code of Criminal Procedure, for issuing a direction to respondents Nos.1 to 4 to get the investigation in case FIR No. 37 dated 20.05.2014, registered under Sections 279, 337, 338 and 427 IPC, PS Bareta, through some independent agency or higher officials and to provide protection to the life and liberty of the petitioner at the hands of respondents Nos. 6 to 11.

It is contended that the respondents Nos. 9 to 11 caused grievous injuries to the petitioner on 30.04.2014. He remained admitted in Civil Hospital Budhlada and due to his serious condition, he was subsequently referred to Amar Hospital, Patiala. After about 20 days of the incident, the petitioner gained consciousness and made a statement before the police on 25.05.2014 and specifically named respondents Nos. 9 to 11, who had caused injuries to him. The information regarding the occurrence was given by respondent No.12 to the family members of the petitioner. However, the respondents Nos. 6 to 8 in connivance with respondents Nos. 9 to 11, have falsely implicated the respondent No.12 as an accused in the present case and registered a false case under Sections 279, 337, 338 and 427 IPC instead of Sections 307, 326 IPC etc. The respondents Nos. 6 to 11 had threatened the petitioner and his family members to implicate them in some false case.

On the other hand, the learned State counsel, asserts that during the investigation, it was found that the injured suffered the injuries due to road side accident and was got admitted in Amar Hospital on 01.05.2014. The doctor of Amar Hospital, Patiala, had specifically opined that the injuries are possible in road side accident. Statements of the eye witnesses namely, Jaswinder Singh son of Jagsir Singh and Desa Singh son of Gagan Singh, were recorded and as per their statements, Karnail Singh resident of Breta

was repairing the light on a pole in front of his house after parking tractor with attached trolley, and the rear door of the trolley was open. At about 8 pm, the petitioner was going on his motorcycle towards his village Mander from Bareta and on the way, he collided with the rear door of the trolley and suffered various injuries. Thereafter, challan against aforesaid Karnail Singh, was filed on 22.07.2014. On account of the party faction in the village, the present petition has been filed to implicate the respondents Nos. 9 to 11 in a false case.

The learned counsel for the complainant states that at the time of admission of the petitioner in the hospital, his brother namely, Amandeep Singh, was very much present and this fact has been duly proved from his signatures obtained on the bead head ticket of the petitioner. Even from the bed head ticket of the petitioner, it emerges that it is a case of road side accident.

I have heard the learned counsel for the parties and perused the paper book with their able assistance.

Perusal of the record reveal that on 30.04.2014, the petitioner was admitted in Sub Division Hospital, Budhlala on account of injuries suffered by him and due to his serious condition, he was referred to Amar Hospital, Patiala. The patient history shows it to be a case of road side accident. The opinion of doctor from two hospitals was sought and as per their opinion, the injuries suffered by

the petitioner are possible in road side accident. The signature of brother of the petitioner is very much on the bead head ticket of the petitioner. The statements of eye witnesses Jaswinder Singh and Desa Singh recorded by HC Pargat Singh also proved that the petitioner suffered in the injuries on account of road side accident. This petition is misconceived. The circumstances speak itself that it is a case of road side accident, but the petitioner is trying to make this accident as an incident of beating to involve the private respondents.

Keeping in view the above facts and circumstances of the case, there is no merit in the instant petition and the same is hereby dismissed as such.

16.01.2015

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(JITENDRA CHAUHAN)
JUDGE