

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

Crl. Misc. No. M-36753 of 2013 (O&M)

Date of decision : 06.01.2015

Bal Krishan Bittu

....Petitioner

versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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

Mr. Gurveer Sidhu, AAG, Punjab.

Mr. Rajesh Bhateja, Advocate for respondents No.6 to 8.

RITU BAHRI , J. (Oral)

This petition under Section 482 Cr.P.C. is for seeking independent and impartial enquiry by some independent agency with respect to the kidnapping and attempt to murder upon deceased brother of the petitioner namely Balram.

On notice, reply has been filed by the Deputy Superintendent of Police (Rural), Roopnagar and detailed facts have been given in paragraph No.2 of the reply.

In the intervening night of 10/11.09.2009 Incharge Police Post Ghanauli received a telephonic information from the petitioner to the effect that his brother namely Balram, who was running a chemist store had not returned home and that they were having criminal case pending in the Court with Harjinder Singh Barnala and that he was having apprehension that some untoward may happen to his brother and that he

may be searched. In this regard a DDR No.16 dated 11.09.2009 was registered at Police Post Ghanauli. Thereafter, separate police parties formed by the SHO and search operation of Balram was initiated. On 11.09.2009, a complaint was also moved by the petitioner to SSP Roopnagar alleging that his brother has been abducted by unidentified persons while he was returning home on his scooter No.PBR-4173 after closing his shop and that they also called on his mobile No.98554-65523 and that one unidentified person picked-up his phone and that the said unidentified person told him that his brother has been abducted by them and that he further told them that as they have one criminal case pending in the Court at Ropar with respondent No.5 and a compromise be effected with him and that they would release the said Balram on the asking of Harjinder Singh Barnala.

Thereafter, the matter was enquired and as per enquiry report dated 27.01.2010 (Annexure P-2), final conclusion of the report is that the deceased Balram has got registered an FIR No.234 dated 12.10.2006 under Section 452, 323, 34 IPC against respondent No.5. Dharampal Pinto was working in the shop of Balram, who was an eye witness in the said case. Balram did not take name of Dharampal Pinto as he had an apprehension he would may depose against him. So he by concocting story of his abduction named Harjinder Singh Barnala, Dharampal Pinto and Harjinder Singh DC so that they could not depose against him. As per detail enquiry conducted, the allegations levelled by the petitioner was found unrulled.

Counsel for the complainant has further informed this Court

that after enquiry was conducted the petitioner filed a private complaint in the trial Court on 27.10.2009.

Keeping in view the above facts, no further order is required to be passed and the petition is disposed of. However, the petitioner will be at liberty to avail his alternative remedy in accordance with law, if so advised.

06.01.2015
Vinay

(RITU BAHRI)
JUDGE