

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

CWP No.14032 of 2015

Date of Decision: July 16, 2015

Nishan Singh

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Vaneet Kumar Sharma, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (Oral):

Petitioner has approached this Court praying for issuance of a writ of mandamus directing the respondents to get the mobile tower location from dated 20.09.2013 and 21.09.2013 of the petitioner as well as the police officials involved in his arrest.

Perusal of the pleadings and the records indicate that the petitioner has earlier approached this Court for almost the same relief under Section 482 of Cr.P.C. where he had sought the transfer of the investigation of criminal case on the basis of inaction or *mala fide* on the part of the respondents including the Investigating Officer. The same was disposed of vide order dated 06.02.2015 (Annexure P-6). The petitioner having availed of his remedy cannot be now permitted to file the present petition for the same relief. Moreover, such a prayer cannot be granted for creating evidence for or against the party seeking relief by way of filing writ petition. Such an power cannot be exercised for granting equitable relief while invoking the extraordinary writ jurisdiction under Article 226 of the Constitution of India.

The present writ petition, therefore, stands dismissed.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

July 16, 2015

Harish