

CRM-M-24367-2015

DECIDED ON: APRIL 27, 2016

GURNAM SINGH AND ANR.

.....PETITIONERS

VERSUS

STATE OF PUNJAB AND ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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?

Present: Mr. Manu Loona, Advocate.
for the petitioners.

Mr. J.S. Sekhon, AAG, Punjab.

Mr. Ashok Kumar Sama, Advocate
for respondents No.5 to 14.

JASPAL SINGH, J (ORAL)

Instant petition has been preferred under Section 482 Cr.P.C. by the petitioners seeking directions to respondents No.2 to 4 to carry out fair/impartial investigation and to arrest the accused in case FIR No. 57 dated 30.06.2015, Police Station Arniwala, Fazilka, under Sections 302, 303, 148 and 149 IPC (Annexure P-1).

2. In response to notice of motion, learned State counsel filed the status report by way of an affidavit of Inder Mohan, Senior Superintendent of Police, Fazilka.

3. A glance at the afore-said report transpires that FIR No. 57 dated 30.06.2015 under Sections 302, 323, 148 and 149 IPC was registered at Police Station Arniwala, Fazilka against Mithu Singh and others at the instance of Gurnam Singh-petitioner. As per the allegations of FIR, the accused came to the house of petitioner and killed his uncle/chacha Phuman Singh by dragging him. During investigation, it was found that the uncle/chacha of the petitioner died a natural death due to sudden heart attack and no occurrence as alleged in the FIR took place. This fact has also been clearly mentioned in the postmortem report.

4. It has further been concluded by the investigating agency that there is a dispute of plot in between the petitioner and accused Mithu Singh regarding possession. So far as the another FIR i.e. FIR No.21 dated 03.04.2015 is concerned that has already been investigated and cancellation report has already been filed.

5. In view of the facts narrated above, no further action is required. Rather, instant petition has rendered infructuous and the same is disposed as such. However, petitioners shall be at liberty to have recourse the other remedies available under law.

6. Ordered accordingly.

April 27, 2016
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(JASPAL SINGH)
JUDGE