

CRM-M-33442 of 2016 (O&M)

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

**CRM-M-33442 of 2016 (O&M)
Date of Decision: September 21, 2016.**

Rakesh Kumar

.. Petitioner(s)

VERSUS

State of Punjab and others

.. Respondent(s)

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

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**PRESENT Mr.Vivek Salathia, Advocate,
for the petitioner.**

M.M.S. BEDI, J. (ORAL)

Petitioner is an accused in FIR No.332 dated 28.7.2016, under Sections 323, 341, 379, 506, 148 and 149 IPC and under Section 25 of the arms Act, Police Station Civil Lines, Amritsar, registered at the instance of Amarbir Singh, respondent No.4. It appears that subsequently statement of Pritpal Singh, respondent No.5, has also been recorded as per Annexure P6.

A cross-version at the instance of petitioner has also been recorded against the complainant party vide Annexure P4.

Through the instant petition, the petitioner seeks a direction to the official respondents to conduct fair and impartial investigation in the cross-version case which has been recorded vide Rapat No.69, Annexure P4, dated 4.8.2016, under Sections 323, 324, 326, 506, 148 and 149 IPC. The petitioner has got an apprehension that

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the investigation in the FIR and the cross-version will not be fairly taken up by the official respondents on account of influence of respondent No.4 who happens to be a Councillor belonging to ruling political party. Apprehension is based upon the addition of offence under Section 307 IPC in the main FIR case which has allegedly been added despite there being no injury to any person.

I have heard the counsel for the petitioner and considered the contentions and I am of the opinion that the case is at initial stage of investigation. Since cross-version has also been recorded, it will always be open to any witness or person acquainted with the facts of the case to approach the investigating officer for information/statement voluntarily offered which is required to be recorded as per the provisions of Section 163 (2) Cr.P.C. by the investigating officer. Interference in the investigation at threshold by this Court does not appear to be an appropriate step as no statutory violation is alleged to have been committed. Since the petitioner has already approached the Commissioner of Police, Amritsar vide representation Annexure P7, for fair investigation, it is expected that the grievance of the petitioner will be fairly looked into to ensure that fair investigation in the FIR and cross-version is undertaken irrespective of the indulgence of any influential person.

Notice to the Advocate General, Punjab.

On asking of the Court, notice has been accepted by Ms.H.K.Athwal, DAG., Punjab, present in the Court. Copy given.

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This petition is disposed of, at this stage, with a direction to the Commissioner of Police, Amritsar, to look into not only the grievances of the petitioner submitted vide Annexure P7 but also to ensure fair investigation by considering the facts and circumstances of the case. Grievances of the petitioner will be looked into within a period of three months after the receipt of a copy of this order.

Nothing said in this order will prejudice the fair investigation and will not be deemed to be an expression of any opinion regarding the grievances of the petitioner.

(M.M.S. BEDI)
JUDGE

September 21, 2016.
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Whether speaking / reasoned
Whether Reportable:

Yes / No
Yes / No