

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

CRM-M No. 35585 of 2015 (O&M)

Date of decision: 07.12.2016

Suresh Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Manish Dadwal, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.

Mr. Sunil Agnihotri, Advocate
for respondent Nos.6 to 8.

Jitendra Chauhan, J. (Oral)

CRM-27898-2016

Allowed as prayed for, subject to all just exceptions.

Main Case

By way of the present petition, the petitioner seeks transfer of investigation to the Crime Branch in FIR No. 154 dated 04.10.2015, registered under Sections 324, 323 and 148 read with Section 149 of IPC, registered at Police Station Mukerian, District Hoshiarpur.

The learned counsel for the petitioner states that the petitioner has suffered as many as seven injuries at the hands of private respondents. As per opinion of doctor, injury Nos 2, 3 & 8 were grievous

in nature, however, the police has only registered the case under the above said offence without adding Section 307 IPC. The weapon of offence was recovered from respondent Nos. 6 & 8. The injury on the person of petitioner explains shows the intention of private respondents. The learned counsel refers to Annexure P-7 to state that the petitioner has suffered 62% functional disability of right hand. The police have not conducted the investigation in a fair and proper manner.

On the other hand, the learned State counsel as well as learned counsel for the private respondents oppose the prayer made.

Heard.

Keeping in view the number and nature of injuries and the peculiar facts and circumstances, the present petition is disposed of with a direction to respondent No.3 to get a fresh investigation done in the matter under his supervision and not to file the challan on the basis of first investigation.

Disposed of.

07.12.2016

sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No