

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

TAPINDER SINGH MANN  
20/05/2016 14:27

Cr. Misc. M 5871 of 2016  
Date of decision: 23.5.2016

Ashwani Kumar and ors

Petitioners

vs.

State of Punjab and anr

Respondent

Present: Mr. MK Singla, Advocate.  
Mr. Jashapreet Singh, AAG, Punjab  
Mr. Raman Mohinder Sharma, Advocate.

**M.M.S.BEDI,J.**

On the instructions of ASI Sat Parkash, it has been informed by the learned State counsel, on the basis of investigation conducted till date, that the investigating agency has not formed an opinion to prosecute the petitioners. However, counsel for the petitioners submits that an attempt on the other hand is being made to arrest the petitioners by calling them in the police station

In view of the information supplied by the learned State counsel and the grievance of the petitioners, I am of the considered opinion that the remedy at this stage for the petitioners is to protect their liberty by filing an appropriate application u/s 438 Cr.P.C. in case they have any apprehension of arrest. No ground is made out, at this stage, to exercise jurisdiction u/s 482 Cr.P.C. for quashing of the FIR qua the petitioners as the prosecution agency till date has not indicted the petitioners.

Disposed of with the above said observations.

Counsel for the complainant has got his own grievance against the investigating agency that it is not fairly investigating the matter. The grievance of the complainant, cannot be looked into at this stage in the present petition.

May 23 ,2016  
TSM

( M.M.S.BEDI )  
JUDGE