

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

Criminal Misc. No.M- 19592 of 2016(O&M)

Date of Decision: December 11 , 2017.

Birbal Singh

..... PETITIONER (s)

Versus

State of Punjab and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Amaninder Preet, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

LISA GILL, J.

This petition has been filed seeking transfer of investigation in FIR No.119 dated 29.09.2015 under Sections 376/366A/363/506 IPC, Sections 3/4 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3/4 of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, Police Station City Bajakhana to some other independent agency. It is further prayed that life and liberty of the petitioner and his family members be protected.

It is not in dispute that final report under Section 173 Cr.P.C. has since been presented. It was stated by learned counsel for the petitioner before this Court on 19.05.2017 that as the final report has been presented, prayer in respect to transfer of the investigation is rendered infructuous. The petitioner sought to press his prayer regarding protection of his life and liberty.

It is submitted that at present point of time, trial in the abovesaid FIR is proceeding and there is no imminent and immediate threat to the life and liberty of the petitioner.

Learned counsel for the State submits that in case the petitioner informs of any instance raising apprehension to his life and liberty or his family members, necessary action shall immediately be taken.

Therefore, in view of the position as above, no further orders are required to be passed in this petition.

Accordingly, this petition is disposed of with liberty to the petitioner to approach respondent No.2 in case there is any instance giving rise to an apprehension to his life and liberty or any of his family members arising out of the present controversy. In case such application is filed by the petitioner, respondent No.2 – Senior Superintendent of Police, Faridkot is directed to look into the same and necessary action, if any/as may be required be taken in accordance with law.

It is made clear that no expression of opinion on the merits of the case has been expressed.

December 11 , 2017.
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(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No