

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

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**CRM-M-26932-2016
DATE OF DECISION:31.07.2017**

SANDEEP KUMAR**... Petitioner(s)****V.****STATE OF PUNJAB AND ORS.****... Respondent(s)****CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Mr. R.S. Ghuman, Advocate
for the petitioner.

Mr. H.S. Grewal, Addl.A.G., Punjab

Mr. J.S. Lalli, Advocate for respondents No.4 to 8.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking a direction to respondents No.1 to 3 to arrest private respondents No.4 to 9 in FIR No.76 dated 23.05.2016 under Sections 304, 34 IPC registered at Police Station Meharban, District Ludhiana. He is seeking further direction to the respondents to ensure safety and security of the petitioner and his family as they apprehend threat at the hands of respondents No.4 to 9. The petitioner has also sought an investigation through an independent agency in the aforementioned FIR.

In response to the notice, reply has been filed on behalf of respondents No.1 to 3 wherein it is stated that father of the petitioner had expired due to heart attack as revealed during post-mortem. The viscera of the deceased was also sent to Rajindra Hospital, Patiala and as per the report of viscera, the deceased died due to heart attack.

Learned State counsel contends that as per post-mortem report, there is no injury on the body of the deceased. Learned State counsel upon

instructions from ASI Jagdev Singh states that as the death had taken place due to heart attack and not due to an act of violence, the cancellation report has been filed on 08.05.2017 before the competent Court. The death of the deceased is stated to have occurred due to heart attack and there was no injury on the body of the deceased.

The cancellation report has been filed before the competent Court. Therefore, no directions are required to be issued to the investigating agency, at this stage. Even otherwise, this Court cannot direct the Investigating Officer to arrest an accused. It would be open to the petitioner, if so advised to seek recourse to remedy available to him under the law. However, with regard to the petitioner receiving threats, respondent No.2 shall consider the representation of the petitioner dated 24.06.2016 (Annexure P-2) and take steps, if necessary, in accordance with law to protect life and liberty of the petitioner.

The petition stands disposed of accordingly.

July 31, 2017
SwarnjitS

(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No