

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

CRM No.M-31685 of 2012 (O&M)

Date of Decision: January 20, 2017

Gurbinder Singh Jolly

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.G.S.Sirpikhi, Advocate
for the petitioner.

Mr.Deep Singh, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against State of Punjab and other respondents for issuance of direction to respondents for conducting a proper and fair investigation in case FIR No.39 dated 30.05.2011 under Sections 307/34 IPC and Section 25 and 27 of the Arms Act, 1959 registered at Police Station Fatehgarh Churian, Batala and to protect life and liberty of the petitioner by providing adequate police protection.

Notice of motion was issued and learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that in the FIR, the petitioner has not given the description/identity of the accused. He has not raised any suspicion on any person or any political entity. Rather, in the FIR, it is written that acc.used were covering their faces. The police after investigation has filed the untraced report.

At the time of arguments, no doubt has been raised upon any person. The police after joining respectable persons Sarpanch etc. could not find out any accused and further from the statement, could not trace any Hero Honda Splendor (black colour) motorcycle along with 32 bore or 38 bore pistol in the village. Therefore, untraced report has been correctly filed by the police as despite investigation, they could not find out any accused. From the FIR itself, it is clear that it is case of no injury. The FIR is of 2011. Learned counsel for the petitioner also contended that another occurrence took place in the year 2013, qua which, no FIR was registered.

From the record, I find that since then sufficient time has elapsed but the petitioner has not received any threat from anybody nor any injury has been caused to him. At this stage, there is nothing to show that there is serious threat to the life of the petitioner and no ground is made out for providing security to the petitioner.

Therefore, finding no merit in the present petition, the same is dismissed.

January 20, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No