

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-1757 of 2018

Date of Decision: January 17, 2018

Rachpal Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Sandeep Wadhawan, Advocate
for the petitioner

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Sudhir Mittal, J. (Oral)

The present petition has been filed seeking appropriate directions to respondents No. 1 to 4 to entrust the investigation of the case FIR No. 169 dated 2.12.2017, registered at Police Station Raj Sansi, District Amritsar (Rural), under Sections 409, 201 IPC, to some independent Investigating Agency or to any other Higher Authority. It is further prayed that the directions be given to ensure the safety of the petitioner as he apprehends danger at the hands of respondents No. 7 to 14 and also for issuance of advance notice of 10 days in case the petitioner is required in any FIR which may be registered at the behest of respondents No. 7 to 14.

Notice of motion to respondents No. 1 to 6 only.

Mr. Amandeep S. Gill, Sr. DAG, Punjab accepts notice on behalf of respondent-State. Let seven copies of petition be supplied to him during the course of the day.

In view of the nature of order that is being passed there is no necessity to issue notice to respondents No. 7 to 14 at this stage.

Learned counsel for the petitioner has submitted that the petitioner belongs to 'Akali Dal Party' whereas private respondents belong to 'Congress Party'.

On account of the political rivalry three FIRs have been registered against him in

the past, out of which the petitioner has already been acquitted in one FIR and in the other two trial is pending. He further submits that the private respondents may cause bodily harm to him and may also involve him in any other criminal case. A representation dated 18.12.2017 (Annexure P-7) has already been made in this regard and the police is not taking action thereupon.

Without commenting upon the merits of the case, the petition is disposed of with directions to respondent No. 4 to carry out an enquiry into the representation dated 18.12.2017 (Annexure P-7) and thereafter if the said respondent is of the opinion that life and liberty of the petitioner is at stake to provide them adequate security. So far as proper investigation of the FIR No. 169 dated 2.12.2017, registered at Police Station Raja Sansi, District Amritsar (Rural), is concerned, I am of the opinion that the police is expected to carry out fair and independent investigation, uninfluenced by any political affiliation and that the police will abide by its duty in this regard. The petitioner would be at liberty to challenge the investigation at a later stage, if so required. Regarding apprehension of the petitioner that a false case may be registered against him in the future, I deem it appropriate to direct respondent No. 2 that in case any FIR is lodged against the petitioner at the behest of respondents No. 7 to 14, three days notice will be issued to the petitioner before arresting him.

January 17, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No