

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

CRM-M-34497-2018 (O&M)

Date of Decision: 08.10.2018

Jai Bhagwan

....Petitioner

Versus

The State of Haryana and others

....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Suresh Pal, Advocate
for the petitioner(s).

ANITA CHAUDHRY, J

Petitioner is seeking directions to the State to re-investigate the case FIR No.101 dated 22.04.2018 registered under Sections 302, 34 IPC at Police Station Barauda District Sonapat and to file the challan.

On the last date of hearing, counsel was asked to place on record the copy of the MLR.

Copy of the MLR as well as FSL report has been placed on record.

Counsel submits that there were number of injuries on the face, neck and other parts of the body and though the FIR had been registered under Sections 302, 34 IPC and the police has arrested the accused, however, they had come to know that the police was going to convert the case and would be filing the challan under Section 306 IPC.

Perusal of the FSL report shows that no poison was found. The PMR does not refer to any injury. There is reference to a ligature mark.

No directions can be given to the prosecution to file the challan under a particular section. It is the prerogative of the police. If the petitioner has any grievance, he has the remedy to approach the trial Court for redressal of his grievance at appropriate stage, after the challan is submitted.

No directions are required to be given for re-investigation.

Petition stands disposed of.

October 08, 2018

ps-I

**(ANITA CHAUDHRY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No