

Sr. No.122

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

**CRM-M-38257-2018
Date of decision:04.09.2018**

Balwant Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Guninder Singh Brar, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Present petition has been filed seeking directions to the official respondents to conduct the investigation in FIR No.102 dated 02.07.2018, under Sections 323/324/341/148/149 IPC and later on added Section 326 IPC vide DDR No.22 dated 06.07.2018 registered at Police Station Sadar Mansa and to present the challan under Section 173 Cr.P.C. before the competent Court of law.

A perusal of the file shows that the FIR was registered only on 02.07.2018. The police is still investigating the case. As per the order of the Judicial Magistrate, Board of Doctors was also constituted on 10.08.2018 to ascertain the nature of injuries caused to the petitioner. So it can not be said that the police is not conducting any investigation.

Otherwise also, it is not appropriate for the Court to issue any direction to the police to file report under Section 173 Cr.P.C. It is for the Investigating Officer to do so after completion of the investigation.

Hence the prayer of the petitioner is totally pre-mature. The

matter is still under investigation. If the police file its report under Section 173 Cr.P.C in the form of challan against the accused, the petitioner would not have any grievance. If the police files cancellation report for the present FIR then the petitioner would have remedy to file objections. In any case, the petitioner would not be remedy less.

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

4th September, 2018

Shivani Kaushik

[RAJBIR SEHRAWAT]

JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*