

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

**CRM-M-39509-2017
Decided on: 05.04.2018**

Parveen Kumar

.... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present: Mr. Naveen Sharma, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Sunil Chadha, Sr. Advocate, with
Mr. M.K. Arya, Advocate,
for respondent No.4.

H.S. MADAAN, J (ORAL)

This is a petition under Section 482 Cr.P.C. for issuance of direction to respondents No.1 to 3 to protect life and liberty of petitioner and his family members by providing adequate security to petitioner and his family members in view of imminent threat at the hands of accused named in the FIR No.135 dated 30.08.2017 registered under Sections 452, 427 and 506 IPC at Police Station Division No.8, District Ludhiana against Raj Kumar Beri-respondent No.4, in addition to that craving for issuance of further direction to respondents No.1 to 3 to fairly investigate the FIR in question and to add Sections 115, 450, 307, 342 & 34 IPC and 25 & 27 of the Arms Act.

2. Notice of the petition was given to the State. The accused has also appeared through counsel. Learned State counsel informs that as regards the first

part of the prayer, vide order dated 22.11.2017, this Court had directed Commissioner of Police, Ludhiana-respondent No.2 to examine the threat perception to the petitioner and if it was found that some genuine threat is there, then necessary steps to be taken.

3. Learned State counsel has contended that as mentioned in the written reply that a PCR motorcycle squad of the police has been directed to take regular round to house of the petitioner. Furthermore, the petitioner is said to be holding a licence for a fire arm.

4. Learned counsel for the petitioner though is not satisfied with such security arrangements made. As regards the second part, learned State counsel informs that after completion of the investigation, challan has since been filed in the Court of Illaqa Magistrate, Ludhiana on 30.03.2018 and next date fixed as 30.04.2018, on instructions from ASI Gurdial Singh, Police Station Division No.8, Ghumar Mandi, Ludhiana.

5. Learned counsel for the petitioner states that various offences which were made out against the accused have not been added in the challan. However, this is for the investigating agency to find out as to what offences are disclosed against the accused and even otherwise during the trial, the Court can frame charge for the offences which are disclosed against the accused from the material available before it, irrespective of the offences which are mentioned in the challan.

6. Under the circumstances, the present petition is disposed of directing Commissioner of Police, Ludhiana-respondent No.2 to have a fresh look as regards the threat perception to the petitioner and his family members, considering the representation dated 15.09.2017 (Annexure P-4) and then to take suitable action, if so required.

7. As regards the second part of prayer, since challan has been filed, no further direction in that regard needs to be given.
8. The petition stands disposed of accordingly.

(H.S. MADAAN)
JUDGE

05.04.2018
Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No