

CWP-7210-2017

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

CWP-7210-2017

Date of decision-16.08.2018

Kapil Muni

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Manpreet Singh, Advocate for the petitioner.

Ms. Deepali Puri, Addl.AG.Punjab.

JITENDRA CHAUHAN, J. (Oral)

This writ petition under Articles 226/227 of the Constitution of India has been filed for the issuance of a writ, in the nature of mandamus directing respondent Nos.2 and 3 for fair investigation in FIR No.162 dated 29.10.2014 registered under Sections 323, 325 and 334 of Indian Penal Code at Police Station Kot Ise Khan,

Learned counsel for the petitioner contends that the matter was not fairly investigated. It is claimed that the petitioner was abused and threatened by the DSP.

Status report in compliance of order dated 20.11.2017 has been filed in the Court and the same is taken on record.

The Court is not satisfied with the inquiry. The inquiry *prima facie* deserves rejection as no reasons have been given, despite ample evidence on record that the petitioner was beaten up mercilessly and serious

allegations have been made against S.P Jaswinder Singh Gharu and his reader ASI Shah Variyam of extorting Rs.1 lakh from the petitioner. FSL report on the CD has not been obtained. Copy of the MLR has been filed in the Court. That same is taken on record as Mark 'A'.

In view of the above, without adverting to the merits of the case, the present petition is disposed of with a direction to respondent No.3 to re-investigate the matter after associating the petitioner and to ensure that life and liberty of the petitioner and his family members is fully protected. Respondent No.3 shall also examine the assertion of the petitioner qua the DSP who allegedly had threatened the petitioner by stating that he has already killed so many people. FSL report on the CD be also obtained. Respondent No.3 shall also dwell upon the issue whether the inquiry officer whose primary job is to assist the victim could use such abusive language against him. Proper investigation by the competent authority be conducted against the said DSP and report prepared by respondent No.3 be sent to the Registrar General of this Court within eight weeks from today.

(JITENDRA CHAUHAN)
JUDGE

16.08.2018

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No