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

CRM-M-24135-2020
Date of decision: 29.9.2020

Amrik Singh

.....Petitioner.

vs.

State of Punjab and others

.....Respondents.

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. Yogesh Kumar Aneja, Advocate, for the petitioner.

Mr. Gaurav Garg Dhuriwala, Senior Deputy Advocate
General, Punjab.

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Sanjay Kumar, J. (ORAL)

By way of this petition filed under Section 482 Cr.P.C., the petitioner seeks a direction to the police authorities to take appropriate action against the unofficial respondents and to conduct a fair and impartial inquiry/investigation in Cross Rapat No. 44 dated 05.07.2020 (Annexure P-2) registered under Sections 323, 324, 148 and 149 IPC (Sections 326 and 325 IPC added later) on the file of Police Station Guruharsahai, District Ferozepur. This Cross Rapat arose in connection with FIR No. 128 dated 05.07.2020 (Annexure P-1) on the file of Police Station Guruharsahai, District Ferozepur, registered under Sections 324, 148 and 149 IPC.

The Deputy Superintendent of Police, Guruharsahai, District Ferozepur, filed a status report in this case on 31.8.2020. Therein, he stated that FIR No. 128 dated 05.07.2020 was initially registered on the

file of Police Station Guruharsahai, District Ferozepur, under Sections 324, 148 and 149 IPC against the petitioner and some others on the complaint made by the eighth respondent herein. According to the eighth respondent, the petitioner and the others attacked him with arms. To save himself, he tried to flee towards his house. However, he suddenly fell down and thereupon, the petitioner and the others caused him injuries with a weapon (*kapa*) and with punches and kicks. While so, two persons came there and saved him from the clutches of the petitioner and the others. As per the medico-legal report, the eighth respondent was found to have only one injury on his person.

While the matter stood thus, on 05.07.2020, the petitioner also got recorded his own statement to the effect that he and his brother were coming back from Baba Kala Pir on 03.07.2020, and at about 04.30 p.m., when they reached the metal road they found the unofficial respondents, armed with weapons. They attacked the petitioner and his brother and they suffered several injuries. On the basis of this cross version reported by the petitioner, DDR No. 44 dated 05.07.2020 was registered under Sections 323, 324, 148 and 149 IPC. Thereafter, upon receiving a supplementary report regarding the injuries suffered by the petitioner and his brother, offences under Sections 325 and 326 IPC were also added in this cross version. The Deputy Superintendent of Police stated that the police conducted raids on 13.07.2020, 26.07.2020, 31.07.2020, 10.08.2020, 13.08.2020 and 19.08.2020 to arrest the accused but with no positive result, as the accused had absconded. The Deputy Superintendent of Police concluded by stating that one Chhindo Bai, wife of Balvir Singh, had moved an application before the Senior

Superintendent of Police, Ferozepur, to conduct an inquiry into the cross version, bearing DDR No. 44 dated 05.07.2020. On this application, the inquiry was entrusted to the deposing Deputy Superintendent. He stated that he was conducting the said inquiry in accordance with the law.

The aforestated report makes it clear that the police have not been idle, as apprehended by the petitioner. Appropriate action has already been initiated on the strength of the cross version reported by the petitioner. The status report also makes it clear that the petitioner and his brother were attacked on the fateful day and the injuries suffered by them attract the provisions of Sections 325 and 326 IPC.

As this Court does not propose to go into the merits of the matter or venture any opinion in relation thereto, it is not necessary to put the unofficial respondents on notice or afford them an opportunity of hearing. It is for the police authorities to do their duty and take steps in relation to the case and counter-case as per due procedure and in accordance with law.

The petition is accordingly disposed of directing the Senior Superintendent of Police, Ferozepur, the second respondent, to ensure that proper investigation is carried out in the matter and the guilty are brought to book. The police authorities shall ensure that the investigation is not scuttled by any third-party intervention or interference and shall endeavour to take appropriate action, as warranted and in accordance with law, to protect the interest of justice.

(SANJAY KUMAR)
JUDGE

29.9.2020

preeti

whether speaking/non speaking

yes/no

whether reportable/non reportable

yes/no