

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

CWP-21414-2020

Date of Decision: 14.12.2020

Deepak Bansal

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. R.S.Randhawa, Advocate,
for the petitioner.

Mr. Abhaypal Singh Gill, AAG, Punjab.
(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petitioner, inter alia, seeks issuance of a writ in the nature of mandamus for transfer of investigation of FIR No. 139 dated 27.07.2020 under sections 353, 186, 427, 506 IPC registered at Police Station Bathinda Cantt, Bathinda and registration of Cross version on the basis of complaint dated 03.08.2020 submitted by petitioner under Sections 307, 382, 323, 506, 511 and 34 of IPC.

2. Learned counsel for the petitioner submits that petitioner is owner of plot consisting 200 sq. yds situated at Green Avenue Bathinda and got conveyance deed on 03.07.2020.

3. An FIR was registered on the basis of statement of Chairman Nagar Improvement Trust, Bathinda, qua aforesaid plot of petitioner, with the allegations that one Minal Bansal J.E., an employee of the Improvement Trust, on 27.07.2020 at about 4. 54 p.m. was pasting notice under Trust Development Scheme 45.57 acre (Ring Road Phase-1) to stop illegal construction carried out by the present petitioner. The petitioner allegedly assaulted the said JE and broke the front mirror of his car, hitting with a

brick in the presence of Balwinder Singh Sevadar and further asked his wife to bring his revolver so that he can teach them a lesson for pasting the notice. Petitioner alleges that, in fact, respondent No.5/Chairman tried to kill the petitioner by trying to drive his car on over him. He managed to escape with injuries on his arms and legs. Petitioner went to Civil Hospital Bathinda for treatment, contends the learned counsel. Copy of his MLR is annexed as Annexure P-5.

4. Learned counsel submits that petitioner filed the anticipatory bail application before Additional District and Sessions Judge, Bathinda which was dismissed vide order dated 17.08.2020 (Annexure P-10). Thereafter, he filed an anticipatory bail before this Court which was though rendered infructuous and dismissed as such vide order dated 15.09.2020. The petitioner is now on regular bail.

5. He further submits that the petitioner has filed a complaint dated 03.08.2020 against respondent No.5 before the office of Director General of Police, Punjab. A similar complaint was given to SHO but he refused to accept the same. Complaint was also submitted before Senior Superintendent of Police, Bathinda and but the same has not been adverted by the respondents till date. Hence, the instant petition.

6. Notice of motion.

7. Mr. Abhaypal Singh Gill, AAG, Punjab, who has joined proceedings, on service of advance copy of petition, accepts notice on behalf of State of Punjab.

8. Heard the rival contentions. The petitioner ought to have first approached the trial Court under Section 156 (3) Cr.P.C for redressal of his grievance, if any, before directly approaching this Court. Section 156 (3)

ibid empowers a Magistrate to ensure proper investigation. Ordinarily, in case of a grievance arising out of non registration of an FIR, first remedy is to approach the Superintendent of Police under Section 154(3) Cr.P.C. or any other competent police officer per Section 36 Cr.P.C. However, even if thereafter, grievance is unmitigated, one can take judicial recourse by approaching a Magistrate under Section 156(3) Cr.P.C. Still, thereafter, an aggrieved party has a further remedy of filing a criminal complaint under Section 200 Cr.P.C. Reference may be had to Apex Court judgment in ***“Sakiri Vasu v. State of U.P and others” 2008 (2) SCC 409.***

9. In the premise, the instant petition is dismissed. The petitioner is, however, at liberty to approach the appropriate Court/competent authority for redressal of his grievance, as aforesaid.

DECEMBER 14, 2020
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable

Yes/No
Yes/No