

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

CRM-M-43220-2020(O&M)

Date of decision: 21.12.2020

Jaspal Singh

...Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Kushagra Mahajan, Advocate for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Prayer in the present petition under Section 482 Cr.P.C. is for issuance of direction to official respondents No. 1 to 3 for transferring the investigation to some other police station and conducting fair and impartial investigation in G.D. No. 39 dated 16.11.2020 registered under Section 323, 355 and 34 IPC at Police Station Islamabad, District Amritsar.

Learned counsel for the petitioner states that initially, two injuries were inflicted upon the petitioner by respondents No. 4 to 7. As per the MLR, injury No. 2 i.e. the left Canine Tooth Lower Jaw Broken and Dr. Gurbinderpal Kaur, opined the same as simple in nature (Annexure P-2). Thereafter, on the application of the petitioner a Board of Doctors was

constituted by the Civil Surgeon on 27.10.2020, which opined that injury No. 2 is grievous in nature (Annexure P-3). The SHO and investigating officer refused to register a FIR and on their own considered the injuries as simple in nature.

Learned counsel for the petitioner further submits that the complaint was given on the same very day of the occurrence i.e. on 04.09.2020 but the G.D. was recorded on 16.11.2020. The petitioner has also made a representation dated 23.11.2020 (Annexure P-5) to respondent No. 2-Commissioner of Police, Amritsar, for conducting fair and impartial investigation in aforesaid G.D. No. 39 dated 16.11.2020, but till date no action has been taken. He further states that he would be satisfied, if representation dated 23.11.2020 (Annexure P-5) is decided by respondent No. 2-Commissioner of Police, Amritsar, within a stipulated period.

Notice of motion.

On the asking of this Court, Mr. Rana Harjasdeep Singh, DAG Punjab accepts notice on behalf of the respondent-State.

In view of the above, the present petition is disposed of with a direction to respondent No. 2-Commissioner of Police, Amritsar, to decide the representation dated 23.11.2020 (Annexure P-5) within a period of one month from the date of receipt of certified copy of this order, in accordance with law.

(HARNARESH SINGH GILL)
JUDGE

21.12.2020
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No