

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

232

**CRM-M-22386-2020
Date of decision: 25.01.2021**

NISHANT ARORA

.....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Amandeep Singh Manaise, Advocate
for the petitioner.

Mr. P.S. Walia, Asstt. A.G., Punjab
for the respondents No.1 to 3.

Ms. Vishal Aggarwal, Advocate
for respondent No.4.

Mr. Munish Puri, Advocate
for respondents No.5 and 6.

ARUN KUMAR TYAGI, J. (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for issuance of direction to respondents No. 1 to 3 for getting fair and impartial investigation conducted in case FIR No. 139 dated 10.07.2020 registered under Sections 324, 323, 506 read with Section 34 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Division No. 2, Pathankot through some senior police official and to bring the case

the Registry which is taken on record.

Learned State counsel has submitted that additional reply along with copies of the MLR and medical opinion has been filed today. However the reply and documents as mentioned above are not attached with the paper-book. The Registry is directed to tag the reply along copies of MLR and medical opinion with the paper book.

Dr. Sarbjeet Singh, Medical Officer, Civil Hospital Pathankot is present before this Court through video conferencing. He has submitted that all the injuries caused to Nishant Arora were simple and he had given medical opinion in this regard. Mr. Sarbjeet Singh, Medical Officer, Civil Hospital Pathankot is discharged from obligation to appear in the case any further.

At this stage, learned counsel for the petitioner has submitted that correctness of medical opinion given by Dr. Sarbjeet Singh is challenged but the petitioner will move the concerned Judicial Magistrate by way of appropriate proceedings for adding of Section 307 of the IPC in the case and commitment of the case to the court of Session and present petition may be dismissed as withdrawn with liberty to do so.

Learned State counsel and learned counsel for respondent no.4 and learned counsel for respondents No.5 and 6 have no objection to withdrawal of the petition with liberty as aforesaid.

Accordingly, the petition is dismissed as withdrawn with liberty as aforesaid. Interim order dated 11.12.2020 is vacated.

25.01.2021

Vishal

(ARUN KUMAR TYAGI)
JUDGE