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

CRM-M-33706-2021

Date of Decision: 19.08.2021

Pappi

.. Petitioner

Vs.

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Inderpreet Singh Knoner, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for issuance of appropriate directions to respondent Nos.1 to 3 for conducting fair, proper and expeditious investigation in case FIR No.0118 dated 03.05.2021, under Sections 304, 323, 427, 148 and 149 IPC, registered at Police Station Kotwali Kapurthala, District Kapurthala (Annexure P-1) and in cross-case i.e. DDR No.43 dated 18.05.2021, under Sections 323, 324, 326 and 34 IPC, registered at Police Station Kotwali Kapurthala from some senior police officer.

Learned counsel for the petitioner has argued that in the alleged occurrence, the petitioner's wife (Rajwinder Kaur) died and his sons were injured and the police has not correctly recorded the offences in the subject FIR No.0118 dated 03.05.2021, under Sections 304, 323, 427, 148 and 149 IPC, at Police Station Kotwali Kapurthala, District Kapurthala (Annexure P-1) registered on the statement of petitioner's brother. He submits that the cross version is false and has been wrongly registered by the police at the instance of the other side. He has argued that the police is not fairly investigating the case as the accused have not been arrested, therefore, it requires intervention by this Court and directions be issued to the official

respondents for conducting the investigation from some senior police officials.

During the course of hearing, it is not disputed that after completion of investigation, a final report under Section 173(2) Cr.P.C. has already been filed against one of the accused persons. According to him, the other accused persons have not applied for bail and are yet to be arrested.

After hearing the learned counsel, this Court finds that the above cross cases were registered recently and qua one of the accused persons, the investigation is complete, as the final report has been filed before the Court of competent jurisdiction. Merely because the other accused have not been arrested, it cannot be said that the investigation is not being done in a proper or fair manner. Needless to observe that the offences are non-bailable and the police must be making efforts to locate the absconders as there is nothing to indicate that the police is not taking any action. A perusal of the representation dated 24.05.2021 (Annexure P-6) submitted by the petitioner before the Senior Superintendent of Police, Kapurthala reveals that the main prayer of the petitioner is to cancel the cross version. The other issue that the appropriate offences have not been incorporated in the FIR, cannot be gone into at this stage, as the same can be effectively answered once the investigation is completed.

Resultantly, at this stage, this Court does not find it to be a fit case for exercise of inherent powers under Section 482 Cr.P.C.

Dismissed.

(MANOJ BAJAJ)
JUDGE

19.08.2021
Jasmine Kaur