

127

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

CRWP No.11071 of 2021 (O&M)

Date of decision: 17.12.2021

Bhima

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Hitesh Verma, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this writ petition is for issuance of a direction to the official respondents to protect the life and liberty of the petitioners and to conduct a fair and impartial investigation in FIR No.81 dated 06.10.2021 registered under Sections 302, 341, 120-B IPC at Police Station Bhadaur, District Barnala and further to look into the representation dated 15.11.2021 given by the petitioners.

Reply by way of affidavit of the Deputy Superintendent of Police, Sub-Division Tapa, District Barnala, is on record and as per the reply, after conducting the investigation of the case, Happy Nath and Ajay Nath were arrested by the police on 07.10.2021 and later on, Charno, Shoki Nath and Bhagtu Nath were arrested on 09.10.2021. It is stated that thereafter, an application was given by Raj Rani, mother of 02 accused, which was marked for investigation and on conducting the investigation, Shoki Nath, Bhagtu Nath and Charno were declared innocent and offence under Section 120-B IPC was deleted and Section

34 IPC was added. As per the report of the Chemical Examiner dated 04.12.2021, no poisonous substance was detected in the viscera and as per the opinion of the doctor regarding cause of death, it is due to Spinal Cord injury at the level of Cervical Spine, which is sufficient to cause death.

Counsel for the State has submitted that the investigation is complete and challan has been prepared and the same is likely to be presented before the Illaqa Magistrate in due course of time. It is further argued that regarding the apprehension of the petitioner at the hands of Shoki Nath and Bhagtu Nath, preventive proceedings under Section 107/151 Cr.P.C., are initiated on 06.12.2021.

In view of the above, no further action is called for, at this stage.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

17.12.2021
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No