

109 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-8782-2022

Date of Decision: 02.03.2022

Shiv Dass Kumar

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vikas Bali, Advocate,
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.
(keeping in view the advance service)

(Through Video Conference)

HARSIMRAN SINGH SETHI J. (ORAL)

The present petition has been filed on behalf of the petitioner with a prayer that the investigation in FIR No.215, dated 07.10.2021, under Sections 323, 324, 379-B, 506, 148, 149 and 120-B of the IPC, registered at Police Station Model Town, District Ludhiana, be transferred to any other Agency, especially in view of the fact that the relevant sections of IPC have not been invoked in the present FIR, despite the fact that as per the MLR, injury No.2 suffered by the victim on his head is inflicted with the sharp-edged weapon.

Learned counsel for the petitioner submits that in the facts and circumstances of this case, as per the petitioner, Sections 326 and 307 of the IPC, should have been invoked against the accused.

Learned State counsel submits that though the present grievance of the petitioner is being raised by him in this petition, but the

same has never been raised by him before the Investigating Agency and in case, any representation raising the said grievance is filed by the petitioner with the concerned authority, appropriate order on the same will be passed by respondent No.3-Commissioner of Police, Ludhiana, after appreciating the facts of the case within a period of eight weeks from receipt of the representation, if any.

Faced with this situation, learned counsel for the petitioner submits that the petitioner may kindly be permitted to withdraw the present petition with liberty to approach respondent No.3 by filing a representation raising the same grievance as raised in the present petition, so that the same could be decided by the respondent authorities keeping in view the undertaking of learned State counsel recorded hereinbefore.

Without going into merits of the present case or claim of the petitioner as raised in this petition or the representation to be filed, respondent No.3-Commissioner of Police, Ludhiana, is directed that in case any representation is filed by the petitioner raising any grievance, the same be decided within a period of eight weeks, as undertaken by learned State counsel before this Court, by passing an appropriate speaking order. It will be appreciated in case all the parties, who are likely to be affected by outcome of the said representation, are heard before passing of the order.

Ordered accordingly.

02.03.2022

Apurva

(HARSIMRAN SINGH SETHI)

JUDGE

1. Whether speaking/reasoned : Yes
2. Whether reportable : No