

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 15214 of 2022

Date of Decision: 08.4.2022

Lakhwinder Singh and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Deepak Kumar, Advocate
for the petitioners.

Ms. Bhavna Gupta, DAG, Punjab.

Mr. Mohd. Yousaf, Advocate
for respondents No. 5 and 6.

SURESHWAR THAKUR, J. (ORAL)

1. Since the investigations are already underway into FIR No. 0121 dated 25.10.2021, registered at Police Station Lohian, Jalandhar Rural, District Jalandhar, constituting therein offences under Sections 323, 326, 34 IPC, and, when there is no tangible, and concrete evidence, placed on record by the petitioner, suggestive that the investigating officer concerned, who is presently holding investigations into FIR (supra), is holding them in a taint ridden, and, biased manner. Therefore, this Court is constrained to not allow the present petition, for transfer of investigations, of the present case, from the investigating officer concerned, to some other independent agency.

2. Be that as it may, it appears that the only grievance ventilated, in the instant petition, is that despite life endangering injuries becoming

met by the assailants, upon, the victim-petitioner herein, the investigating

officer concerned, not adding an offence under Section 307 IPC in the FIR, against the accused concerned. If that be so, it is open to the investigating officer concerned, to bear in mind the MLR concerned, as became drawn by the doctor concerned, and, consequently, he may, in accordance with law, proceed to add, in the FIR, and, against the accused concerned, an offence under Section 307 IPC.

3. However, if the evidentiary worth of the MLR concerned, has been firmly, and, properly appreciated, by the investigating officer concerned, and, he has taken an objective view that an offence under Section 307 IPC is not amenable to be added against the accused concerned, and, in the FIR, and/or, in the report under Section 173 Cr.P.C., thereupon, if, yet the victim-petitioner herein has a grievance, he can yet challenge it, through accessing the Committal Court concerned, to not hold trial of the offences (supra), as carried in the FIR, but to, after consideration of all the relevant material, commit the accused for trial to the learned Sessions Judge concerned. Upon the afore motion being made before the learned Committal Court concerned, the latter shall, in accordance with law, make a lawful decision thereons.

4. The petition is disposed of.

(SURESHWAR THAKUR)
JUDGE

April 08, 2022
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No