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

CRM-M-18825-2022

Date of decision : 05.05.2022

Neelam Nayyar and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. B.S. Bhalla, Advocate for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for issuance of directions to respondent No.2 to look into the representation (Annexure P-2) with respect to FIR No.49 dated 20.02.2022 registered under Sections 302, 379B(2), 34 of the Indian Penal Code, 1860.

Learned counsel for the petitioners has submitted that sons of the petitioners i.e. Jagdish Nayyar @ Mango and Rishab Sharma have died and in the representation (Annexure P-2), they have made averments which are required to be brought to the notice of respondent No.2.

Learned counsel for the petitioners has submitted that the allegations levelled against SHO and action sought against SHO are being withdrawn and they would be satisfied in case, respondent No.2

looks into representation (Annexure P-2) with respect to the persons involved in the death of Jagdish Nayyar @ Mango and Rishab Sharma and take appropriate action, in accordance with law.

Notice of motion.

On advance notice, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of the State and has submitted that he is fully prepared to argue the matter and assist this Court. He has opposed the present petition and submitted that they have obtained the call details of the deceased as well as complainant as well as seen the CCTV cameras and have also got statement of one rickshaw puller to the effect that three persons were enquiring about where the bus stand is and those three unidentified person have not been identified as yet.

Keeping in view the abovesaid facts and circumstances, moreso, the facts that the present case relates to the death of two young boys, this Court deems it appropriate to dispose of the present petition with direction to respondent No.2 to look into representation (Annexure P-2) and after considering the averments/allegations made in the same, take appropriate action, in accordance with law.

It is, however, clarified that this Court has not gone into the merits of the allegations made by the petitioners and it would be open to respondent No.2 to make his independent enquiry/assessment with regard to the representation with a limited prayer aforesaid.

In view of what has been observed above, the present petition is disposed of in the abovesaid terms.

It is, however, clarified that this order shall not debar the State from proceeding against the petitioners, if involved in any case.

It is made clear that the prayer made in representation (Annexure P-2) to the effect that legal action be taken against SHO has been withdrawn by the learned counsel for the petitioners and thus, respondent No.2 need not to go into the said question.

05.05.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No