

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

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CRM-M-25330-2022

Date of Decision : **June 02, 2022**

KULDEEP KUMAR

.....Petitioner

VERSUS

STATE OF PUNJAB AND ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. L.S.Mann, Advocate
for the petitioner.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for seeking direction to the police for conducting the investigation in a fair and transparent manner through some independent agency/Senior Police Officer.

The learned counsel for the petitioner has submitted that after the registration of the FIR, the investigation is not being carried out properly and the police has not added section 307 IPC in the FIR considering the injuries.

I have heard the learned counsel for the petitioner.

A perusal of the head note of the petition would show that the present FIR has been lodged on 23.4.2022 under Sections 323, 324, 451, 148, 149, 427, 506, 120-B IPC and thereafter Section 326 IPC has been added. The grievance of the petitioner is that the matter is not being thoroughly investigated would, therefore, not sustain from the aforesaid fact that after the registration of the FIR under Sections 323, 324, 451,

148, 149, 427, 506, 120-B IPC, Section 326 IPC has been added. Another prayer of the petitioner is that Section 307 IPC should also have been added would not be sustainable because it is for the investigating agency to investigate the case and then to see as to under which provision the accused could be charged. A perusal of the petition would show that no deficiency in the investigation has been pointed out by the petitioner in the petition. There is no ground on the basis of which the petitioner has alleged that there is deficiency of any kind in the investigation process. The petition is evasive and vague. It is also stated in the petition that the accused persons are still roaming freely would also not become a ground to say that there is any deficiency in the investigation. It is a settled law that in any FIR, the arrest is not to be made automatically and it is only after due application of mind by the police when it is required to be made. Furthermore, only legal malafide has been alleged but there is no personal malafide against any officer in the present petition.

Therefore, finding no merit in the present petition, the same is, hereby, dismissed.

(JASGURPREET SINGH PURI)
JUDGE

June 02, 2022

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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No