

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

113

CRM-M-33102-2022

Date of Decision : **August 03, 2022**

SUKHBIR SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Jagpal Singh, Advocate for
Ms. Gurpreet Kaur, Advocate for the petitioner.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for issuance of a direction to respondent No.2 to file status report in FIR No. 0084 dated 6.5.2022 under Sections 323, 324, 326, 452, 379, 427, 148, 149 IPC, Police Station Ajnala, District Amritsar and to arrest the accused persons in the interest of justice with a further prayer to ensure the protection of life and liberty of the petitioner and his family members from the accused persons.

The learned counsel for the petitioner has submitted that the FIR No. 0084 was registered on 6.5.2022 but the accused have not been arrested and, therefore, directions be issued to the police to file the status report.

At this stage, Mr. Davinder Bir Singh, DAG, Punjab has stated that he has received advance copy of the petition and submitted on instructions from ASI Sukhjot Singh that the police is investigating the case properly and thrice raids have been conducted but nobody has been arrested as of now and strenuous efforts are being made for proceeding further with the investigation in accordance with law.

I have heard the learned counsels for the parties.

The present petition filed by the petitioner is neither maintainable nor sustainable in law due to the following reasons:-

1. The prayer made in the petition is for seeking directions to arrest the accused persons in an FIR No. 0084 dated 6.5.2022. This Court is of the view that such kind of prayer cannot be made by invoking the provisions of Section 482 Cr.P.C. In case of FIR, the arrest is not mandatory and it is the wisdom of the police to decide and ascertain as to whether the accused should be arrested or not and, therefore, such a prayer is misconceived.

2. Further prayer has been made seeking protection of life and liberty. However, perusal of the petition as well as representation, if any, given would show that there is no ground made out for grant of protection of life of the petitioner since there is no apprehension expressed in the petition itself. The only averment made in para No.3 of the petition is that respondent No.3 misbehaved with the petitioner and, therefore, such kind of petition is totally vague and absurd.

3. The learned State counsel has also submitted that the police is thoroughly investigating the case and even raids are being conducted upon the accused persons.

In view of the aforesaid position, the present petition is devoid of any merit and is, therefore, dismissed.

(JASGURPREET SINGH PURI)
JUDGE

August 03, 2022

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