

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

CRM-M-39214 of 2022

Date of Decision: 02.09.2022

Amandeep Singh

....Petitioner

Vs.

State of Punjab and others

....Respondents

**CORAM HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr.S.S.Majithia, Advocate  
for the petitioner.

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**SANDEEP MOUDGIL, J**

The present petition under Section 482 of the Code of Criminal Procedure ( Cr.P.C.for short) has been filed by the petitioner for issuing appropriate direction to respondents No. 2 to depute any officer of IPS level for investigating into case FIR No.69 dated 28.07.2022 (Annexure P-11) for commission of offence under Sections 323/324/506/148/149 IPC, registered at Police Station Tarsikka, District Amritsar Rural and for addition of offences under Sections 307/325/326/295 IPC. Further direction is sought to respondent no.4 to constitute a medical board for examining the authenticity or otherwise of the MLR dated 24.07.2022 (Annexure P-7) of Balwant Singh and Balwinder Kaur w/o Sukhwant Singh (Annexure P-8) and Upinderjit Singh son of Mehar Singh (Annexure P-9), which are result of self inflicted injuries and prepared illegally with a view to get a false cross case registered against the petitioner and his family members. Further direction to

respondents no.2 and 3 is sought to ensure the security of life and liberty of petitioner and his family members, which is under imminent threat at the hands of respondents no.5 to 14.

2. The case of the petitioner is that predecessor-in-interest of petitioner as well as respondents were real brothers and also having another brother Sunder Singh who has sold the land of his share. There was a pucca road leading from Raipur Khurd to Jodha Nagari and said joint khata of the above said brothers was adjacent to the said road. For the proper irrigation of the joint land, all the aforesaid these brothers carved/constructed the drain in their joint land adjacent to the pucca/paved road which is shown in the site plan as blue and red and as such since the forefathers of the parties they have been using the said drain for the irrigation of their respective land under their possession in the joint khata said khal/water channels goes upto the khasra no.5//19 which is also under the possession of the petitioners The petitioner is also in possession of khasra no.5//18, 5//17, 5//16/1, 6/1/1 and the said drain also runs through the said khasra numbers already under the possession of the petitioners duly shown in the site plan. That the above said water course is in existence since long and is the only source for irrigation of agriculture land of the petitioner and except that there is no other drain. Further submitted that infact respondents no.5 to 14 were intending to restrain/block the irrigation to the land of petitioner by locking the said channel. On the above act of the respondents, a panchayat was convened and on 31.05.2022, a compromise (Annexure P-1) was executed between the parties and it was agreed that both the parties will get partitioned the common land and will not disturb the possession/share of other party. Another compromise dated 28.06.2021 (Annexure P-2) was executed

between both the parties but inspite of both compromise, respondents did not refrain from their evil design and kept on making efforts to intervene into the common land and take possession thereupon. On 24.07.2022, at about 12/12:30 pm, respondents no.5 to 14 in connivance with each other and with pre meditated mind, attacked the father of the petitioner, respondent no.9 i.e Harjit Kaur hit father of the petitioner and threw him on the ground and pulled his beard with such force that she plucked a few hair from his beard. On this, the petitioner and his brother Sharanjit Singh rescued their father when they were brutally attacked by private respondents.

I have given my thoughtful consideration to the contentions of learned counsel appearing for the petitioner and perused the record.

The question whether the incident took place or not cannot be determined in proceedings under Section 482 Cr.P.C. This is in fact a disputed question of fact that the respondents had snatched the beard of the father of the petitioner and in the absence of evidence, this fact cannot be gone into at this stage. At the same time the arguments are based only on medical evidence. The petitioner has only assumption and the whole story seems to be concocted. Investigation has just started and injuries seems to be self inflicted and are simple in nature rather not on any vital part of the body. Photographs Ex.P3 and P4 seems to be self inflicted. Incident took place on 25.07.2022 and the FIR No.0069 has been registered on 28.07.2022. Before completion of one month from the date of incident, the FIR has been registered and the petitioner has come up before this Court questioning the investigation and to depute any officer of the rank of IPS level for investigating into the above FIR.

Hon'ble Supreme Court in Eastern Spinning Mills Virendra Kumar Sharda v. Shri Rajiv Poddar 1985 (Supreme Court) 1668, has held that,

*“Court should not interfere at the stage of investigation of offence; interference is permissible only if non interference would result in miscarriage of justice.”*

Moreover, petitioner in para no.10 himself admits that due to fear no complaint was made to the police but at the same time a civil suit was filed against the respondents. This fact is not digestible that due to fear complaint was not made to police but civil suit was filed. These are debatable facts and cannot be entertained in proceedings under Section 482 Cr.P.C.

In the peculiar facts and circumstances of the case, this Court is not inclined to interfere in the process of investigation as investigation is at the initial stage interference would hamper into the same.

In view of the above observations, finding no merit in the present petition, the same is dismissed.

**(SANDEEP MOUDGIL)**  
**JUDGE**

September 02, 2022

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |