

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

229

CRM-M-42615-2020 (O&M)

Date of decision: 08.12.2022

AMIT MITTAL

....Petitioner(s)

Versus

STATE OF PUNJAB AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioner.

Mr. Kamalpreet Bawa, AAG Punjab.

AMAN CHAUDHARY. J.

Present petition has been filed for directing the respondent Nos.2 and 3 to take appropriate action against the private respondent Nos.4 and 5 by registering FIR in accordance with law regarding injuries suffered by the petitioner at the hands of private respondent Nos.4 and 5.

Notice of motion in this case was issued on 17.12.2020, pursuant to which reply dated 22.07.2021 by way of affidavit of Aaswant Singh, PPS, Deputy Superintendent of Police City II, Bathinda has been filed. Learned State counsel refers to para 2 of the preliminary submissions, which reads thus:-

“2. That the petitioner has not come to the court with Clean hands and has tried to suppress and material facts from the Hon'ble Court. True facts are that on 30.1.2020 intimation was received from District Control Room that Amarinder Singh respondent No.4 and Amit Mittal petitioner are admitted in Civil Hospital, Bathinda due to injuries. On this ASI and other police employees reached in Civil Hospital, Bathinda, where statements of Amarinder Singh respondent No.4 was recorded at Civil Hospital Bathinda on 30.1.2020 and Amit Mittal petitioner was recorded at Civil Hospital Bathinda on 31.1.2020. Amarinder Singh stated that on 28.1.2020 at about 5.45 pm, he was going in the street on slow speed then from the side of Ghorewala Chowk one young boy on his bullet motor cycle was coming in high speed and after crossing his car, he stopped his motorcycle and started abusing him saying that he has had to strike the car in his motorcycle and pointed his pistol towards him. Meanwhile the passerby gathered over there and they sent them in their respective houses. After about

10-15 minutes owner of motorcycle alongwith his brother started marking of his house. He came to know about their names as Amit Mittal and Dinesh Mittal sons of Naresh Kumar Mittal resident of Phase III Bathinda. Thereafter he was going to Rehri for bringing vegetables then Amit Mittal and Dinesh Mittal surrounded him and Dinesh Mittal gave a blow of baseball on his right paw. Amit Mittal gave blow of butt of his pistol on right side of his forehead and Dinesh Kumar Mittal gave fist blows on my face and right eye. He raised raula 'Maarta Maarta'. After hearing on his noise, his brother Jagwinder Singh also came at spot and tried to escape him from them, then Anil Mittal caught hold of beard of his brother and put beard and during this scuffle his data also put off and in the meantime, other people gathered there then both of them ran away from the spot raising alarms. Thereafter, his brother after arranging vehicle got admitted in Civil Hospital, Bathinda. On the statement of Amarinder Singh a case FIR No.20 dated 30.1.2020 under section 341,323,323,34 IPC and section 27/54/59 of Arms Act PS Civil Lines Bathinda. It is further submitted that the allegation of Amarinder Singh regarding pulling of his beard was not substantiated. It is further submitted that the statement of Amit Mittal was also recorded and on his MLR four blunt injuries were found and were kept under observations. But later on the injuries on the person of Amit Mittal were found to be simple in nature which falls under offence under section 323 IPC which is Non cognizable. In this regard DDR No.49 dated 30.1.2020 was entered and the petitioner informed about this.”

In view of the aforesaid, learned State counsel submits that the present petition has been rendered infructuous and may be disposed of as such.

In view of the above, no further orders are required to be passed in the present case.

Petition is disposed of as having been rendered infructuous.

However, liberty is granted to the petitioner to avail of alternate remedy, available to him, in accordance with law.

(AMAN CHAUDHARY)
JUDGE

December 08, 2022

S.Sharma(syr)

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>