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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-8163-2021 (O&M)

Date of decision: 26.07.2023

Kuljinder Singh

....Petitioner

versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** None for the petitioner.

Mr. Mohit Thakur, AAG, Punjab.

ARUN MONGA, J. (ORAL)

This is a petition under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') seeking issuance of directions to respondent Nos.2 to 3 to conduct a fair and impartial investigation in the matter from a Senior Police Officer expeditiously and to take all necessary steps to get the guilty people punished by arresting them as per law.

2. Brief facts of the case are that on 22.02.2018, petitioner along with his friend Gurpreet Singh were riding on one motorcycle driven by the latter, the petitioner's parents along with his sister were riding on another motorcycle. A car bearing No.PB-10-EF-6305 came from front and whose driver was driving very fast in a rash and negligent manner. Therefore, for their own protection and to save their lives, Gurpreet Singh took the motorcycle off the road but the car hit them. Petitioners and Gurpreet Singh both fell on the ground. Due to this accident, both of them suffered a lot of injuries. Petitioner being in serious condition was referred to DMC, Ludhiana where he remained admitted from 22.02.2018 to 23.03.2018. Rods were implanted in both the legs and an amount of Rs.6,00,000/- was spent on his treatment. At that stage, DDR No.25 dated 22.03.2018 was recorded. Local police closed the case on the basis of compromise which was effected between driver of motor cycle with owner of offending vehicle but have not taken any consent from the petitioner who was serious in hospital. When petitioner came to know about the said fact, petitioner approached the higher authorities regarding his grievance, but to no avail. Hence, the instant petition.

3. None has put in appearance on behalf of the petitioner.

4. Learned State counsel, at the outset, submits that reply has already been filed which is on record.

Relevant of the same is reproduced herein below:-

“3. *It is respectfully submitted that thereafter, Representation No.18-PDGP dated 11.01.2021, 135 PTM dated 23.01.2021 and 69-PDGP dated 29.09.2021 were submitted by the present Petitioner before various higher police officials. And thereafter, a representation dated 08.05.2018 was submitted before Senior Superintendent of Police, Jalandhar (Rural) and the same was marked to Deputy Superintendent of Police, Sub-Division Shahkot who after conducting a detailed inquiry submits his report dated 22.05.2021 to Senior Superintendent of Police, Jalandhar (Rural). Further the aforesaid report was forwarded by the then Senior Superintendent of Police, Jalandhar (Rural) to DA Legal for his opinion, who after approving the report sent it back to the then Senior Superintendent of Police Jalandhar (Rural) and the present FIR No. 98 (Supra) was registered.*

4. *That it is respectfully submitted that during the further investigation, several raids have been conducted to arrest the accused vide Zimni No. 2 dated 01.08.2021, Zimni No. 3 dated 17.08.2021 and Zimni No.4 dated 27.08.2021, but the accused could not be arrested.*

5. *That it is respectfully submitted that a car mark Chevrolet (Sail) bearing No. PB-10-EF-6305 with which accident has taken place was recovered from the house of Sukhwinder Singh and taken into custody vide DDR No. 29 dated 21.08.2022. It is pertinent to mention here that the aforesaid car was sold by the accused Lakhvir Singh to Sukhwinder Singh.*

6. *That it is respectfully submitted that the accused was absconding his arrest and therefore, Non-Bailable arrest warrants of the accused have been issued first on 29.09.2021 and thereafter, again on 05.09.2022.*

7. *That it is respectfully submitted that the Challan/Report under Section 173 Cr.P.C qua accused Lakhvir Singh in the present case has been presented before the Ld. Trial Court on 01.10.2022. That charges have not been framed yet. There are a total of 15 witnesses. The next date of hearing is 29.11.2022.”*

5. Perusal of the report reveals that prosecution is proceeding the matter, in accordance with law. No grounds are made out to interfere. Dismissed.

6. However, non-indulgence of this Court shall not preclude the petitioner if he is still dissatisfied, from approaching learned trial Court to seek redressal of the grievance, in accordance with law.

7. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

26.07.2023

vandana

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No