

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

**CRM-M-11772-2023
Date of Decision: 16.03.2023**

Sukhwinder Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Vinay Kumar, Advocate
for the petitioner.

HARSH BUNGER J. (ORAL)

Petitioner has filed this petition under Section 482 of the Code of Criminal Procedure seeking issuance of directions to respondents No.2 and 3 to conduct fair and impartial enquiry into the complaint dated 10.10.2022 (Annexure P-1) filed by the petitioner.

The brief facts as stated by the petitioner in this petition are that the petitioner is Sarpanch of Village Kalar. On 13.01.2022, one Harbhajan Singh along with his brother, namely Baldev Singh, came to the house of petitioner and in the meantime, one Pritam Mash armed with *datar*, Sarabjit @ Sabba armed with *dang*, Manjinder Singh & Balkar Singh empty handed, Barinder Singh armed with *dang*, Baldev Singh armed with *dang*, Jagbir Singh armed with *datar*, Sukhwinder Singh armed with *sota*/stick and Gurjit

Singh armed with *datar*, came outside the house of petitioner and started hurling abuses and thereafter they illegally and forcibly entered into the house of petitioner and inflicted injuries to Harbhajan Singh and Baldev Singh. It is stated that when the petitioner along with Baldev Singh and Harbhajan Singh raised hue and cry then many people gathered at the spot, whereupon all the aforesaid accused persons left the site of occurrence. It is stated that the matter was reported to the police, who recorded the statement of Harbhajan Singh and registered General Diary No.25 dated 15.01.2022, under Sections 452/324/323/148/149 of the Indian Penal Code, against the accused persons.

A perusal of the petition would show that two police officials have also been named in the present case by alleging that they have recorded the statement of someone else on behalf of the petitioner. Accordingly, prayer has been made in this petition for directing respondents No.2 and 3 to take legal action on the complaint dated 10.10.2022 (Annexure P-1) filed by the petitioner.

Without issuance of formal notice to the respondents, Mr. Subhash Godara, Additional Advocate General, Punjab has appeared on behalf of the respondents/State, in pursuance of advance copy of paper book having been supplied to him. He has referred to paragraph No.6 of the petition itself, wherein it has been stated that one General Diary No.25 dated 15.01.2022 has been recorded against the accused persons. It is stated that once a report by way of the aforesaid General Diary No.25 dated 15.01.2022 stands entered by the concerned police authorities in the present case, accordingly no further directions are called for in the instant petition, and the petitioner may avail other legal remedies, as available to him, in

accordance with law.

I have heard learned counsel for the parties and perused the paper book with their able assistance.

A perusal of the paper book would reveal that apart from one representation dated 10.10.2022 (Annexure P-1) filed by the petitioner before respondents No.2 and 3, no other document has been attached with this petition so as to enable this Court to form a *prima facie* opinion regarding the averments made by the petitioner in this petition. Be that as it may; concededly one General Diary No.25 dated 15.01.2022 already stands recorded in this case, accordingly the present petition is disposed of with liberty to the petitioner to pursue the other legal remedies, as available to him, in accordance with law.

All pending application(s), if any, shall also stand closed.

16.03.2023*Apurva***(HARSH BUNGER)****JUDGE**

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No