

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107

CRM-M-38795 of 2023
Date of Decision:08.08.2023

Naresh Kumar and another

....Petitioner(s)

Versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Shivraj Daumajra, Advocate,
for the petitioners.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure for seeking direction to the official respondents No.2 and 3 to decide the representation dated 13.05.2023 (Annexure P-4).
2. Learned counsel for the petitioners submitted that it is a case where the petitioners were mercilessly beaten up by the private respondents and regarding which photographs are also attached as Annexure P-1 which shows grievous injuries on the head. He submitted that when the petitioner was admitted in the hospital, the assailants came in the hospital and inflicted fire arm shots as well. He submitted that thereafter FIR was only registered under Sections 323, 341, 336, 506, 34 IPC and 27 of the Arms Act which are bailable offences. He further submitted that it has been specifically so averred in the petition that the police officials of Police Station Bassi Pathana are hand-in-glove with the private respondents and despite repeated requests, no proper investigation has been conducted. He submitted that in this regard thereafter legal notice dated 13.05.2023 was issued by the counsel for the petitioners vide Annexure P-4 and was addressed to the Director General of Police, Punjab Police Headquarter, Sector-9, Chandigarh as well as Senior Superintendent of Police, District Fatehgarh Sahib but till date no action has been taken in that regard. He submitted that the offences are serious in nature and on the face of

it grievous injuries have been inflicted upon the petitioners but since the police officials are hand-in-glove with the private respondents, proper investigation has not been conducted. He submitted that he will be satisfied in case a necessary direction is issued to the SSP, District Fatehgarh Sahib to look into the legal notice issued by the petitioners by treating it to be a complaint and to pass an appropriate order in this regard strictly in accordance with law.

3. Notice of motion to respondents No.1 to 3 only.

4. Mr. Sarabjit Singh Cheema, learned DAG, Punjab accepts notice on behalf of respondents No.1 to 3 and has stated that in view of the prayer made by learned counsel for the petitioners for considering the legal notice of the petitioners as a complaint and the same may be decided by the SSP, he has no objection with regard to the same.

5. In view of the aforeaid position, the present petition is disposed of with a direction to the SSP, Fatehgarh Sahib to consider the legal notice Annexure P-4 filed by the petitioners through their counsel as a complaint and thereafter shall pass an order on the allegations made by the petitioners especially against the police officials after hearing the petitioners or their counsel.

6. Let the needful be done within a period of three weeks from today.

7. Disposed of accordingly.

(JASGURPREET SINGH PURI)
JUDGE

August 08, 2023

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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No