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

CRM-M-47235-2023 (O&amp;M)

Date of decision: 20.09.2023

Deepak Kumar

...Petitioner

VS

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA****Present:-** Mr. Rohit Singla, Advocate,  
For the petitioner.

Mr. Dhruv Dayal, Additional A.G., Punjab.

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**ARUN MONGA, J. (ORAL)**

Petition herein filed under Section 482 Cr.P.C. is for issuance of directions to Police authorities for expediting the investigation in FIR No.0064 dated 11.03.2022, registered under Sections 3 (1) (s), 3 (1) (r) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 323 of Indian Penal Code, 1860 at Police Station, Canal Colony, District Bathinda.

2. Succinct facts first, as pleaded in the instant petition.

2.1. Petitioner, a fruit stall vendor, filed a police complaint against one Dalip Kumar, Aman Shukla, and Ganga Ram, who also run stalls adjacent to the petitioner's. Allegedly, they had been verbally abusing the petitioner with caste remarks, which the petitioner had previously ignored. However, on August 15, 2021, around 12:00-1:00 p.m., the accused escalated their verbal assault with physical. Dalip Kumar grabbed petitioner's neck, slapping him, and striking him against a bridge wall. Aman Shukla also verbally abused the petitioner using offensive language. Ganga Ram joined in by making caste-related remarks and threats against the petitioner regarding his stall's location. Dalip Kumar even attempted to attack the petitioner with an iron rod from his stall, but two witnesses, Munna Lal and Tirlok, who operated a nearby fruit juice stall, intervened and saved the petitioner. The accused individuals then threatened to kill the petitioner. FIR was registered. Unhappy with the investigation, petitioner has filed the instant petition.

3. Learned counsel for petitioner submits that DSP Bathinda recommended to register the FIR against all the three accused persons but the police registered the FIR only against accused Ganga Ram after obtaining the legal report from District Attorney. FIR was registered on 11.03.2022 and till date challan has not been presented before learned trial Court by the police authorities.

3.1. Learned counsel for petitioner further informs that accused Ganga Ram had joined investigation in pursuance of interim bail order dated 02.04.2022 passed by this Court and police authorities in the said bail petition submitted that said Ganga Ram was no longer required for investigation. Further contends that investigation ought to be expedited in the FIR in question and should be taken to logical conclusion.

4. Learned State counsel upon advance service of copy of petition appears and seeks time to file a report.

5. Given the nature of order being passed, there is no necessity to seek return by any of the respondents.

6. I have heard learned counsel for the parties and gone through the case file.

7. *Prima facie*, dispute between two adjoining vendors appears to be purely private in nature, which is being given a colour of alleged criminal culpability.

8. Be that as it may, it is expected that pursuant to the FIR in question, Investigating Agency shall proceed further expeditiously and file challan in due course of time.

9. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on merits of the case as the same are for the limited purpose of deciding the instant petition alone.

10. Dismissed.

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

(ARUN MONGA)  
JUDGE

20.09.2023

vandana

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No