

119 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-50207-2023 (O&M)

Date of decision: 05.10.2023

Balwinder Singh

...Petitioner

VS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Ms.Divya Gulati, Advocate,
for the petitioner.

Mr. Dhruv Dayal, Additional A.G., 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 respondents No.2 and 3 to hand over the investigation in FIR No.176, dated 01.09.2023 (Annexure P-1), registered under Section 307/34 of the IPC and Sections 25/27 of the Arms Act, 1959, at Police Station Ajnala, District Amritsar Rural to some senior police officer as the petitioner is not expecting a fair and impartial investigation at the hands of respondent no.4.

2. Plead case is that a few days ago, respondents 5 to 8 attended a relative's wedding and upon their return, they were intoxicated and causing disturbance on the street late at night. The petitioner asked them to refrain from creating a nuisance, as families and elders were sleeping. However, they instead began to threaten the petitioner.

2.1. On 31.08.2023, around 11:00 PM, after finishing his meal, the petitioner was walking alongside the canal when he spotted 25-30 individuals with their faces covered. The petitioner immediately turned back and headed towards his home. As he was walking, he heard Jagir Singh, with whom the petitioner had a recent dispute, loudly instructing Gurmeet Singh to ensure that the petitioner didn't make it home alive. Gurmeet Singh then fired two rounds from his 12-bore double-barrel rifle, with some pellets hitting the petitioner's right shoulder. The petitioner promptly began running towards his house. The assailants fired 2-3 more rounds, but the petitioner managed to reach his home before collapsing.

2.3. Petitioner was transported to the hospital by his brother and nephew, where a medical examination was conducted. The Ajnala police were also informed of the incident, and the doctors provided them with a copy of the medical report. However, to this day, the police have neither conducted a raid on the residences of respondents 5 to 8 nor recorded the statements of the petitioner and the witnesses. Instead, the petitioner is facing pressure to reach a compromise.

3. Learned counsel for the petitioner further contends that even after the FIR was registered, respondent no. 4 has not initiated the investigation. The petitioner has met with the investigating officer on numerous occasions, but the officer is continually delaying the matter with various pretexts. To this day, the police have neither recorded any statements nor made any attempt to apprehend the accused.

4. Hence, the present petition.

5. Notice of motion.

6. On advance service of copy of petition, learned State counsel appears and accepts notice on behalf of respondent-State of Punjab and states, on instructions from ASI Prabhjit Singh, that the investigation is at the nascent stage and further steps are being taken in accordance with law by obtaining opinion of medical board *qua* the injuries suffered by the complainant. He further submits that the accused once identified will be arrested in accordance with law, if any offence is made out against them.

7. In the premise, in view of the aforesaid statement, no ground is made out for interference and instant petition is disposed of.

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

(ARUN MONGA)
JUDGE

05.10.2023

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