

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRWP-7054-2024
Date of Decision : September 05, 2024

Om Parkash
.....Petitioner

VERSUS

State of Punjab and others
.....Respondents

2. CRM-M-42835-2024

Om Parkash
.....Petitioner

VERSUS

State of Punjab and others
.....Respondents

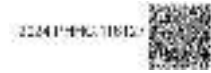
CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Sandeep Kumar, Advocate for the petitioner(s).
Mr. Sahil R. Bakshi, AAG, Punjab.
Mr. Raghav Garg, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. Both the above mentioned petitions are amenable to be decided together as both the petitions arise out of common FIR and, therefore, they are being taken up together for disposal.

2. The first petition i.e. CRWP-7054-2024 has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the



CRWP-7054-2024

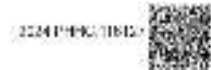
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nature of mandamus upon the official respondents No. 1 to 4 to protect the life and liberty of the petitioner and to take action on the representation Annexure P-4. The second petition i.e. CRM-M-42835-2024 has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for getting the investigation in FIR No. 26 dated 25.2.2024, under Sections 307, 323, 506, 148, 149 IPC and under Sections 25, 27 of the Arms Act, 1959, Police Station Cantonment, District Police Commissionerate, Amritsar be conducted from the CBI, CIA, or any other independent investigating agency or to get the same conducted from higher ranking officials by constituting the Special Investigation Team.

3. This Court vide order dated 25.7.2024 had directed the State to file reply to the instant petition through a responsible functionary in the petition no.CRWP-7054-2024, detailing therein, whether if threat perception, as alleged by the petitioner, genuinely exists, or the same is based upon mere assumptions and presumptions.

4. In deference to the directions (supra), short reply dated 4.9.2024 by way of an affidavit of Sarvanjit Singh, PPS, Assistant Commissioner of Police, West, Amritsar has been filed in the Court today by the learned State counsel, the same is taken on record.

5. As per the reply, in the instant case, the petitioner is a complainant, who has lodged the FIR in question. In the said FIR, the investigation is being carried out and even the supplementary statement of the present petitioner was recorded on dated 27.2.2024 and thereupon, Jagtar



CRWP-7054-2024

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Singh @ Kaku and Baljit Singh @ Joga were also nominated as an accused with the unknown persons and Jaspal Singh Happy, was also nominated as a co-accused on dated 13.4.2024 and during investigation as on date, five persons have been arrested and only one person i.e. accused Baljit Singh @ Joga Singh is yet to be arrested, therefore, the investigation in the FIR in question is heading in a right direction.

6. So far as the apprehension, as expressed by the petitioner is concerned, it is also submitted in the reply that the same was also examined by the competent authority and after examining the representation, so preferred by the petitioner, the threat perception, as alleged by the petitioner, was found not in existence and the representation was ordered to be consigned to the record room.

7. In view of the above facts and circumstances that the investigation in the FIR, which was registered at the behest of the present petitioner, is heading in a right direction and as on date there is no threat perception to the life and liberty of the present petitioner, no further direction is required to be passed in the instant petition(s), therefore, the instant petition(s) are closed.

8. **Disposed** of accordingly.

September 05, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No