

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

....Petitioner

...Respondents

2. The petitioner happens to be the complainant in the cross-case and the accused in the FIR. After the registration of the FIR and the cross-

2024-PHHC-068824



case vide GD, Investigating Agency dropped Section 307 of the Penal Code from the FIR. The respondent i.e. the complainant in FIR came before this Court invoking Section 482 Cr.P.C. making prayer similar to the one that has been made in the present petition. An affidavit of Deepak Hilori, IPS, Senior Superintendent of Police, Ferozepur was filed in that case i.e. CRM-M No.41543 of 2023 taking specific stand which reads as under :

“3. That above said case FIR was registered on the statement of petitioner Gurnam Singh Under Section 307/323/34 IPC and 25/27/ 54/59 Arms Act, Police Station, Sadar Zira against respondents No.4 to 7 and on the other side, on the statement of Sukhbir Singh (respondent No.5), a cross version Under Section 326/324/323 IPC was also recorded against the petitioner Gurnam Singh and others which was found to be false and a DDR No.27, dated 30.06.2023, Police Station, Sadar Zira was recorded in this regard and offences Under Section 307 IPC and Arms Act as alleged by the petitioner Gurnam Singh in his FIR statement were not found to be made out and the same were deleted by respondent No.3 namely Station House Officer, Police Station, Sadar Zira vide DDR No.34, dated 27.06.2023, Police Station, Sadar Zira and while agreeing with the investigation of the Station House Officer, Police Station, Sadar Zira, the then Deputy Superintendent of Police, Zira Sh. Palwinder Singh submitted his report dated 02.08.2023 before the answering deponent and the answering deponent further directed the present Deputy Superintendent of Police, Zira to furnish comments after going through the case file.

4. That Sh. Gurdeep Singh, PPS, present Deputy Superintendent of Police, Sub Division, Zira vide his report dated 05.10.2023 has recommended that injury suffered by the petitioner Gurnam Singh on his left arm has been declared grievous by the Doctor and the Doctor has also opined about this injury being Gun

2024-PHHC-068824



shot injury and further mentioned about blackening on the injury mark. Further, the petitioner Gurnam Singh has also alleged in his statement about having been fired upon by the accused party with an intention to kill and keeping in view, these observations, Sh. Gurdeep Singh, PPS, Deputy Superintendent of Police, Zira recommended to restore Section 307 of IPC in the said case and the answering deponent, after considering findings rendered by Deputy Superintendent of Police, Zira agreed with his report dated 05.10.2023 and approved report of Deputy Superintendent of Police, Zira and consequently, offences Under Section 307 IPC, 27/54/59 Arms Act have been restored vide DDR No.22, dated 09.10.2023 and Station House officer, Police Station, Sadar Zira has been directed to carry out further investigation accordingly.”

3. The aforesaid petition was dismissed as having been rendered infructuous.
4. The present petition was filed wherein the specific case of the petitioner is that once the matter was reinvestigated after deletion of Section 307 IPC and the investigation conducted earlier was disbelieved as is evident from the fact that Section 307 was restored, his cross-version ought to have been reinvestigated as well. He submits that by resorting to reinvestigation *qua* FIR part only the investigation conducted by earlier officer has been accepted in part and rejected in piecemeal which has resulted into an anomalous situation.
5. Specific stand was taken by the State in this case that cross-case was also reinvestigated vide affidavit dated 14th of January, 2024.

2024-PHHC-068824

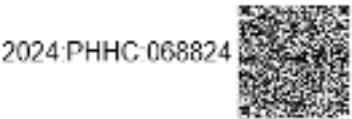


6. State was directed to place on record the inquiry/investigation report. The same has been placed on record along with affidavit of Gurdeep Singh, PPS, Deputy Superintendent of Police, Zira, District Ferozepur, dated 16th of April, 2024.

7. Mr. Ahluwalia while referring to the same would submit that indeed a conclusion has been recorded w.r.t. the cross-case at the behest of the petitioner but there are no reasonings preceding the same which can be said to have form the basis of such conclusion. He further submits that it is evident from the investigation that the petitioner was not even joined even though the opposite party was joined.

8. Having heard counsels for the parties and after carefully going through records of the case, this Court finds that the Investigating Agencies in the State of Punjab are already facing criticism for conducting investigations and reinvestigations and rightly so. Thus, accepting the plea raised by counsel for the petitioner at this stage would only be encouraging reinvestigation(s) in the case which cannot be the scope of Section 482 of the Procedure Code.

9. This Court finds that the competent Magistrate has ample power under Section 173 Cr.P.C. once report is filed before him. After whole of the investigation will be before the Magistrate, he will be in better position to appreciate and take holistic view instead of this Court taking a tunnelled view at this stage.



- 10. In view thereof, if adviced, the petitioner may take his appropriate remedy in accordance with law.
- 11. Petition stands disposed off accordingly.

May 16, 2024		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No