

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

2024 PHHC 159661



CRM-M No. 58739 of 2024 (O&M)

Date of Decision: 29.11.2024

Pritam Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE

Present : None for the petitioner.

Mr. Gagneshwar Walia, Addl. Advocate General, Punjab.

SHEEL NAGU, CHIEF JUSTICE (Oral)

None appeared on behalf of the petitioner in the first round.

Even in the second round also, none appeared for the petitioner.

2. The petitioner has filed this petition invoking the inherent powers of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 for issuance of a direction to respondents No.1 to 4 to transfer the enquiry of FIR No. 45 dated 18.05.2024 under Sections 447/448/511/323/427/149 of the Indian Penal Code registered at Police Station Sadar Raikot on account of the fact that the investigation is not being conducted in a free, fair and expeditious manner.

3. The Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023 provides for ample remedy to the complainant/victim arising out of the cause of non-registration of offence as well as non-conduction of investigation in a free, fair and expeditious manner. The provision of

Section 156(3) of the Code of Criminal Procedure (Section 175 of BNSS) and Section 200 of Code of Criminal Procedure (Section 223 of BNSS) can very well be invoked by the complainant by filing an application before the Magistrate of the area concerned.

4. The petitioner does not appear to have availed the aforesaid remedy.
5. In view of the above, this Court declines interference and relegates the petitioner to avail the aforesaid remedy before the Magistrate of the area concerned.
6. As regards the prayer for protection of life, liberty and dignity of the petitioner-complainant and his family members is concerned, the said complainant and victims are free to make an application to the Senior Superintendent of Police, Ludhiana Rural for the said purpose, which if made shall be considered and decided on its own merits within a period of 15 days from the date of receipt of the same.
7. With these observations, the petition stands disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

29.11.2024

ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√