



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

Charanjit and another	Versus	...Petitioner(s)
State of Punjab and others		...Respondent(s)

Mr. Kunwarbir Singh, A.A.G., Punjab.

Present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short, 'the BNSS'*) for directing respondent Nos.1 to 3 to conduct fair and impartial investigation in respect of FIR No.0065 dated 07.11.2024, under Sections 117(2), 115(2) & 324 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (*for short, 'the BNS'*) registered at Police Station Hajipur, District Hoshiarpur.

Registry to do the needful.

3. Contends that it is a case of version & cross-version and even the petitioner-side suffered injuries, which fact is evident from the

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MLRs of petitioners (P-1 & P-2, respectively); but the Police failed to register any cross-version under the influence of respondent Nos.5 to 7.

3. Although, there is no formal notice of motion in this case; however, learned State counsel, while making reference to the aforesaid affidavit, submits that despite repeated efforts, petitioners did not get their statements recorded before the Investigating Officer. Even a General Diary No.033 dated 05.11.2024 was recorded in this regard and copy thereof is taken on record as Mark 'X'.

4. Heard both sides and perused the paper-book.

5. For reference, relevant portion of the affidavit filed today is extracted as under:-

“8. That it is submitted that on 05.11.2024, the police of P.S. Hajipur, District Hoshiarpur visited DMC Hospital, Ludhiana where upon application to doctor of DMC Ludhiana it was found that petitioner Charanjit did not get admitted in DMC Ludhiana. Then the police of P.S. Hajipur, District Hoshiarpur made call on the mobile phone of the petitioner Charanjit which was answered (sic. by) petitioner Santosh Kumari and she told that petitioner Charanjit did not get admitted in DMC Ludhiana and he got admitted in some private hospital but she did not disclose the name of the private hospital. In this regard DDR No.33 dated 05.11.2024 was recorded. Thereafter, on 28.12.2024, the petitioners and their son Vansh Sawraj joined investigation in the present case and petitioner Charanjit Singh gave statement that he will give statement with regard to his injuries later on. In this regard DDR No.27 dated 28.12.2024 was recorded. After statement of petitioner Charanjit Singh, action will be taken as per his statement and as per his MLR.....”

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Perusal of the above extract reveals that despite sincere efforts made by the Investigating Officer, petitioners did not come forward to get their statements recorded.

6. Although, learned counsel for the petitioners has tried to justify the allegations levelled in present petition on the premise that Police is not taking any action; however, the Investigating Officer present in Court has specifically stated that he visited the residence of petitioners and asked them to get their statements recorded, but they refused.

7. In view of the above, this Court is not inclined to issue any mandate to the respondents, at this stage and as such, there is no option, except to dismiss the petition.

8. Ordered accordingly.

9. Above observations be not construed as an expression of opinion on merits of the controversy, in any manner.

Pending application(s), if any, shall stand disposed off.

30.01.2025
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

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