



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

CRM-M-63098-2024

DATE OF DECISION: 22.01.2025

JASWINDER SINGH

...PETITIONER

Versus

STATE OF PUNJAB AND ORS ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. G.S. Randhawa, Advocate for the petitioner.
Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This petition has been filed under Section 482 Cr.P.C.,for directing the official respondents to conduct fair, impartial and proper action in cross case/GDR No. 25 dated 14.07.2024, (Annexure P-1), registered under Section 323, 324 and 34 IPC at Police Station Dhariwal, District Gurdaspur, in the main case FIR No.71, (Annexure P-2), dated 13.07.2024 registered under Section 323, 324 and 34 IPC at Police Station Dharwial, District Gurdaspur against the private respondents No. 5 and No.6.

In compliance to the previous order dated 14.01.2025 affidavit of Gaurav Yadav, IPS, Director General of Police, Punjab, Chandigarh has been filed on behalf of respondents/State the same is taken on record. Copy of the same has been furnished to the counsel opposite.



In the instant case wherein the FIR was got registered on 13.07.2024 at P.S. Dharwial, District Gurdaspur wherein the earlier provisions of the then prevailing IPC were mentioned instead of new criminal law i.e. BNS, 2023. In these circumstances, the Court was forced to call upon the Director General of Police, Punjab expecting for sensitising the police officials of each district to the extent that appropriate legal provisions are invoked in FIRs, failing which not only the accused but also the complainant would suffer due to ignorance of the law enforcing agencies.

The relevant paragraphs No. 3 and 4 of the status report are reproduced hereinbelow :-

'3. That the above-said order dated 14.01.2025 passed by this Hon'ble Court, came to the knowledge of the deponent, thus, the complete case file pertaining to the present petition was called and was further marked to Deputy Superintendent of Police, Sub-Division Rural, Gurdaspur for assistance.

That after conducting the fact finding inquiry Deputy Superintendent of Police, Sub-Division Rural, Gurdaspur submitted his report before the deponent, thus the present affidavit is being filed on the perusal of complete record by the deponent himself and fact finding report submitted by Deputy Superintendent of Police, Sub-Division Rural, Gurdaspur.

4. That it is submitted that in the present case in MLR No. 38/JS/DWL/2024 dated 05.06.2024 of complainant Manmohan Singh, whereby 4 injuries were stated to be inflicted upon him, was received. That in the said MLR, injury No. 1 and 2 (sharp weapon was used) were kept under Ortho opinion and he was referred to Civil Hospital, Babri, Gurdaspur, injury No.3 and 4 (blunt weapon was used) were declared simple.'

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Having gone through the said deposition by Director General of Police, Punjab this court is satisfied with the action taken to the effect that all the Commissioner of Police, Senior Superintendent of Police, as well as Heads of other wings have been made aware by way of a circular to ensure that FIRs, DDRs, GDs and any other proceeding initiated after 1.7.2024 be taken as per provisions contained in the new criminal laws.

It has been further stated in the affidavit that a direction has been issued stating that in case of the violation of the above direction by any police official, he shall be liable for disobeying the process of law.

As regards the second aspect, coming forth to the instant FIR, a separate affidavit of Dayama Harish Kumar Om Parkash, IPS, Senior Superintendent of Police, District Gurdaspur has been filed on behalf of respondents/State along with a copy of circular dated 20.1.2025 issued by Director General of Police, Punjab, the same is taken on record. As per paragraph No.12 of the status report, the incident pertains to 5.6.2024 that is prior to coming into force of BNS Act, 2023 and as such FIR No. 71 and DDR No.25 was registered with the offences as detailed in the then in existence i.e. IPC.

Hence, no further intervention of this Court is required for examination as to why investigation has not been completed so far since FIR/DDR stands registered on 14.7.2024 wherein more than 6 months have been lapsed and investigation is not complete.

At this stage, learned counsel for the petitioner submits that he will be satisfied, in case a direction is issued to respondent



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No.3-the Senior Superintendent of Police, Gurdaspur to decide the representations dated 03.09.2024 and 13.07.2024 (Annexure P-5 and P-6) within a time bound manner.

Without adverting to the merits of the case, the respondent No.3- the Senior Superintendent of Police, Gurdaspur is directed to consider and decide the representations dated 03.09.2024 and 13.07.2024 (Annexure P-5 and P-6) by passing a speaking order, after providing an opportunity of hearing to the petitioner, in accordance with law within a period of two weeks from the date of receipt of certified copy of this order.

A copy of order so passed be supplied to the petitioner within one week thereafter.

Petition stands disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

22.01.2025
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>