

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-2377 of 2015

Date of Decision: February 19, 2015

Nirmal Singh

.....Petitioner

Vs.

State of Punjab and ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Proxy counsel for the petitioner.

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M.M.S. BEDI, J. (ORAL)

Petitioner is an accused in a case of assault on the person of Jagroop Singh and Jugjeet Singh, complainant..

The petitioner through instant petition seeks a direction to the official respondents to fairly and impartially inquire into the allegations.

I have heard learned counsel for the petitioner and gone through the record. Main grievance of the petitioner is that as a matter of fact, the complainant/ injured had not received any injury at the hands of the petitioner whereas Jagroop Singh had actually met with an accident while

driving a motorcycle, with a truck, as a result of which he was admitted in the Government Hospital, Goniana Mandi.

Since the petitioner is an accused, he does not have any locus standi at this stage to seek a direction for interference in the investigation unless and until some statutory violation is indicated. The investigation falls under Chapter XII Cr.P.C. In case any violation of the procedure prescribed under Chapter XII Cr.P.C. or under Punjab Police Rules is pointed out, it will not be appropriate, in the exercise of powers under Section 482 Cr.P.C. to issue any directions.

Counsel for the petitioner has submitted that the petitioner has already submitted a representation to SSP, Bathinda. Besides that, the affidavits of Jaimal, Jagsir Singh, Surinder Singh and Dilbar Singh have been relied upon by counsel for the petitioner. The said persons were allegedly present on the spot when Jagroop Singh S/o Hardev Singh had met with an accident. As per provisions of Section 163 (2) Cr.P.C., it is obligatory on part of the investigating officer to record the statement of any witness which is offered voluntarily during the course of investigation.

Notice of motion to Advocate General, Punjab.

On the asking of the Court, Mr. C.S. Brar, DAG, Punjab, accepts notice. Copy given.

This petition is disposed of with a direction that during the course of investigation in case the aforesaid witnesses Jaimal, Jagsir Singh, Surinder Singh and Dilbar Singh voluntarily make any statement in context

to the incident referred to in the FIR, the statements made by them will not be ignored. However, it will be the subjective satisfaction of the investigating officer to consider the authenticity and the truthfulness of the above said witnesses or any other witnesses, if any, while determining the culpability of the petitioner.

February 19, 2015
sanjay

(M.M.S.BEDI)
JUDGE