

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

(114)

CRM-M-26445 of 2015

Decided on: August 11, 2015.

Het Ram Chauhan and another

.... Petitioners

Versus

State of Haryana

..... Respondent

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

Present: Mr. Bhupinder Ghai, Advocate,
for the petitioners.

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

On asking of the Court, learned counsel for the petitioners informs that the investigating agency has not till date made up its mind to present challan against the petitioners. Petitioners claim that they have already discharged their liability qua the complainant by repaying the amount after transferring the property belonging to them in the name of brother-in-law of the complainant.

Since the investigation is still under progress, to determine the culpability of the petitioners, I do not deem it appropriate to intervene.

Learned counsel for the petitioners at this stage seeks permission to withdraw the petition with liberty to file a fresh petition, in case, on the basis of investigation, he is not considered innocent on the basis of material available with the investigating agency.

Disposed of as withdrawn with the liberty as aforesaid.

Learned counsel for the petitioners has made a request that certain documents which are appended to this petition should be directed to be considered by the investigating agency.

I have considered the said contention and I am of the opinion that in the exercise of powers under Section 482 Cr.P.C, it will not be appropriate for the Court to guide the investigation. However, it will be open to any witness conversant with the controversy to make statement during course of investigation before the investigating officer. It is expected that any voluntary statement made by any witness will not be ignored by the investigating agency in view of provisions of Section 163 (2) Cr.P.C.

(M.M.S. BEDI)
JUDGE

August 11, 2015
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