

CRM-M-26477-2015 (O&M)

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

**CRM-M-26477-2015 (O&M).
Decided on: August 11, 2015.**

Ram Richhpal

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

*** * ***

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

**PRESENT Mr.Jagdish Rai, Advocate,
for the petitioner.**

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

The petitioner is not satisfied with the investigation and the steps taken by the police in a complaint lodged by the petitioner.

Counsel for the petitioner submits that the challan has already been presented against other accused- respondent Virbhan. He has drawn my attention to the interim orders passed by the Area Magistrate wherein the warrants of arrest against Virbhan had been got issued by the Investigating Agency.

On asking of the Court counsel for the petitioner has produced a copy of the report under Section 173 (2) Cr.P.C. A perusal of the report indicates that Virbhan, respondent No.6 has not been declared as an accused but on account of he having not been arrested the challan was presented against the other accused.

A perusal of column No.2 of the report under

CRM-M-26477-2015 (O&M)

Section 173 (2) Cr.P.C., reflects that arrest of Virbhan has been mentioned to be still pending. From the above said circumstances, no conclusion can be arrived at that the police is not taking action against the accused. The petitioner has arrayed respondent No.2, 3 & 4, by name and not in their official capacity as Additional Director General of Police or Inspector General of Police and Deputy Superintendent of police Hisar, respectively. A perusal of the petition indicates that no specific allegation of mala fide have been levelled against them.

Counsel for the petitioner has not been able to justify as to why the said persons have been impleaded by name.

I am not satisfied with the contentions of the counsel for the petitioner that the Investigating Agency is showing any favour to Virbhan accused.

This petition is disposed of without prejudice to the rights of the Investigating Agency to seek any action against respondent No.5 for avoiding service of summons or for any offence mentioned in Chapter X of the Indian Penal Code or to take action against him under the provisions of Section 82 Cr.P.C.

Disposed of with above observations.

August 11, 2015.
rka

(M.M.S. BEDI)
JUDGE