

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

Crl. Misc. No.M-38569 of 2014

Date of Decision: 13.01.2015

Sadha

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Jai Bhagwan, Advocate
for the petitioner.

Ms. Ritu Punj, Addl. A.G., Haryana
for the respondent-State.

DAYA CHAUDHARY, J. (ORAL)

Learned State counsel submits that in compliance of order passed by this Court on 20.11.2014, the petitioner has not only joined the investigation but has also cooperated with the same.

While issuing notice of motion, the following contention of learned counsel for the petitioner was recorded ;

“Learned counsel for the petitioner submits that the petitioner has been implicated only being owner of the vehicle, which was alleged to have been used for carrying cows for slaughtering purpose. Learned counsel further submits that neither the vehicle number has been mentioned nor any independent witness was joined. He further submits that the co-accused of the petitioner has been granted bail and recovery has also been effected. Nothing is to be recovered from the petitioner. Learned counsel further submits that even the vehicle, from which the alleged recovery was made,

was not with the police as nothing is mentioned in the FIR. He also submits that the petitioner is ready to join investigation.”

The case came up for hearing on 20.11.2014. As per submissions made by learned counsel for the petitioner, the petitioner has joined the investigation, whereas, learned State counsel, on instructions from Sub Inspector Harinder Singh, submits that the petitioner has not cooperated with the investigation. The Investigating Officer was directed to file his affidavit stating therein the details as to what was recovered from the petitioner and how he was connected with the said offence.

In compliance of directions issued on 20.11.2014, an affidavit has been filed by Harinder Singh, Sub Inspector, S.H.O., Police Station City-1, Malerkotla. The relevant facts have been mentioned in para 3 of the affidavit.

On perusal of contents of the affidavit, the petitioner has been shown to be implicated only on the ground that one country made pistol along with two live cartridges was recovered from the custody of the accused. On search of the vehicle, four ropes meant for catching the cows, two iron knives and one iron *Dah* were found lying in the said vehicle. During investigation, neither the vehicle number was verified nor any independent witness was joined. Simply, it has been mentioned that the vehicle was used for carrying cows for slaughtering purpose. The FIR has been registered without any application of mind and subsequently, by way of filing this affidavit, lot of improvements have been made. Even the vehicle number has not been mentioned in the FIR. Earlier stand of the Investigating Officer was that the petitioner has not cooperated with the investigation and after passing of this order, he has stated that the petitioner has not only joined the investigation but has also cooperated with the same. I am unable to understand as to what sort of cooperation was

required from the petitioner and to what extent, the petitioner has cooperated with the investigation.

Keeping in view the facts as mentioned above, the Investigating Officer is directed to be careful while conducting investigation. The observation made in the Court be brought to the notice of Senior Superintendent of Police, Sangrur.

Since, the petitioner has joined the investigation, the interim order passed by this Court on 13.11.2014 is made absolute.

The petition is disposed of accordingly.

13.01.2015
gurpreet

(DAYA CHAUDHARY)
JUDGE