

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

(119)

CRM-M-33724-2016

Decided on: September 22, 2016.

Vikas Chabbra

.... Petitioner

Versus

State of Punjab and others

..... Respondents

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

Present: Mr. Navkiran Singh, Advocate, for the petitioner.

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

The petitioner is an accused in FIR No.81 dated 19.08.2016, under Sections 186/353/332/323/34/283 IPC and Sections 13(A)/3/67 of Punjab Gambling Act, registered at Police Station Division No.1, Ludhiana. The said FIR was registered at the instance of ASI Varinder Pal alleging that he had been assaulted by few persons near lottery market at Ghanta Ghar, Ludhiana when he made an attempt to clear the traffic and found two people gambling. The said complainant had got lodged the FIR saying that he came to know about the person he had hit him as Vikas Chabbra.

Learned counsel for the petitioner submits that as a matter of fact the complainant was not attacked by the petitioner but some other persons. An attempt has been made to convince this Court that photographs Annexure P-10 pertained to the incident.

I have heard learned counsel for the petitioner and gone through the contents of the petition and I am of the opinion that interference in the investigation at this stage by this Court regarding the culpability of the petitioner is not appropriate step in the exercise of powers under Section 482 Cr.P.C.

The information regarding any incident during course of investigation can be given by any person acquainted with the incident. Moreover, the complainant himself being an ASI is expected to know and identify the person who had attacked him. The petitioner has claimed that since he is an accused in another FIR No.2 of 2016 registered at Police Station Division No.1 under Punjab Gambling Act and under Sections 356, 120-B IPC, he has been falsely implicated with the mala fide intention or on the basis of misguided suspicion.

The petitioner has already submitted a representation to the Commissioner of Police, Ludhiana regarding his grievance. Though the accused does not have any locus standi to seek any direction during course of investigation but since he claims that he has been involved in the case and is able to specify the accused persons on the basis of the photographs and CD of the incident, it is expected that any statement or material offered in the interest of fair investigation under Chapter XII Cr.P.C and any statement voluntarily offered by any person, requires to be taken into consideration as per the mandate of Section 163 (2) Cr.P.C.

Notice to Advocate General, Punjab.

Counsel for the petitioner will supply copy of the petition to the State counsel during course of the day.

This petition is disposed of with a direction to the Commissioner of Police, Ludhiana to look into the representation Annexure P-11. Any material actually relevant for the fair investigation produced by any person acquainted with the incident would not be ignored. It will be

appreciated in case the grievance of the petitioner as submitted in Annexure P-11 may be looked into within the parameters of the Police Rules and the provisions of investigation under Chapter XII of Cr.P.C within a period of three months.

Nothing said in this order will be considered to be expression of an opinion on merits of the case. It is left to the wisdom of the investigating agency to fairly investigate the matter.

(M.M.S. BEDI)
JUDGE

September 22, 2016
harsha

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No