

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

112

CRM-M-35624-2016 (O&M).
Decided on: October 4, 2016.

Kulbhushan Agnihotri

.. Petitioner(s)

VERSUS

State of Haryana and others

.. Respondent(s)

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

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PRESENT Mr.Ashok Arora, Advocate,
for the petitioner.

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

Counsel for the petitioner submits that the material available with the petitioner-complainant was not taken into consideration by the investigating agency and that the matter requires to be further investigated as per the provisions of Section 173 (8) Cr.P.C.

On asking of the Court, counsel for the petitioner informs that the trial is fixed after presentation of challan against the accused. The petitioner refers to few irregularities committed during the course of investigation which were allegedly brought to the notice of the Director General of Police, Vigilance Bureau, Haryana, vide Annexure P7 dated 15.9.2014. Since the trial has commenced, I do not deem it appropriate, in the exercise of powers under Section 482 Cr.P.C., to issue a direction for further investigation under Section 173 (8) Cr.P.C. as neither the original challan nor the stage of the trial is available before this Court for appreciation. It is settled principle of law that after presentation of challan, further investigation cannot be conducted without the

by the police under Section 173 (8) Cr.P.C. is permissible on its own on the basis of the material available. The petitioner may have a good ground for seeking further investigation but in the exercise of powers under Section 482 Cr.P.C., I do not deem it appropriate to issue any such direction.

The petition is dismissed.

(M.M.S. BEDI)
JUDGE

October 4, 2016.
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Whether speaking / reasoned	Yes / No
Whether Reportable:	Yes / No