

118

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

CRM-M No.1247 of 2017

Date of Decision: 27.02.2017

SATISH KUMAR

.....Petitioner

Vs

STATE OF HARYANA & ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. S.K. Chauhan, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

Prayer made in this petition is for quashing of FIR No.286 dated 26.07.2016 registered under Sections 294, 332, 353 and 506 IPC at Police Station City Bhiwani, District Bhiwani along with entire proceedings.

Learned counsel for the petitioner contended that on 26.07.2016 at about 10.50 a.m., the petitioner was challaned in terms of Motor Vehicles Act by respondent No.5. There was some altercation at the spot. Additional Sessions Judge, Bhiwani while granting anticipatory bail to the petitioner has recorded after watching the clipping that both the parties were exceeding their legitimate behaviour. However there was nothing against the petitioner which would have disentitled him from claiming anticipatory bail. In the context of aspersions created by respondent No.5, the petitioner has already moved complainants before the Police Authorities, even before registration of the FIR in question.

Notice of motion.

On the asking of Court, Mr. P.P. Chahar, D.A.G., accepted notice on behalf of respondent-State. Let requisite copies of petition be supplied to him by learned counsel for the petitioner during the course of the day.

In view of nature of order, which this Court proposes to pass there is no necessity of calling upon reply at this stage, as no order prejudicial to the interest of respondents is being passed.

At this stage, this petition can be disposed of by obligating respondents No.4 to have a cumulative assessments of the complaints moved before respondent Nos.2 to 4 in the context of episode arising out of challan under Motor Vehicles Act and to decide the same by passing a speaking order. Respondent No.4 would be at liberty to join the parties to the *lis* in order to ascertain the truth. Respondent No.4 shall also take a realistic approach of the case without being influenced by any of the observations made in the preceding paras.

Petition stands disposed of accordingly.

February 27, 2017

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No