

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

CRM-M No.20656 of 2017 (O&M)

Date of decision : August 03, 2017

Manoj

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Manmeet Singh, Advocate for
Mr. Randeep Singh Rana, Advocate for the petitioner.

Mr. R.K. Makkad, DAG, Haryana.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Reply by way of affidavit of Tarun Saini, HPS, Deputy Superintendent of Police Headquarter, Kaithal, District Kaithal on behalf of the State has been filed and the same is taken on record. It shows that the complaint dated 16.05.2017 was received from respondent No.6, Kitab Singh at CIA Kaithal from the office of the Superintendent of Police, Kaithal on 18.05.2017 and the inquiry is going on against the petitioner. However, in the inquiry, the petitioner cannot be picked up by the police. He can merely be asked to join the inquiry and if he does not join the inquiry, then ex parte inquiry can be conducted. The matter cannot be investigated without registration of the FIR.

It also appears from the reply that in the inquiry, the police is probably making recovery of the amount as it is stated that out of ₹32,80,200/-, a sum of ₹5,80,000/- has been paid and the remaining amount of ₹27,00,200/- is outstanding.

In the circumstances, the present petition is disposed of with direction to the official respondents not to call the petitioner to the police station without issuing notice under Section 160 Cr.P.C. and that the petitioner not to be arrested or picked up without complying with provisions of law.

It is also made clear that the complaint cannot be converted into recovery proceedings by the police.

(KULDIP SINGH)
JUDGE

August 03, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No