

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-31994 of 2014 (O&M)

Date of Decision: 25.10.2017

Charan Singh Chahal

...Petitioner

VERSUS

Central Bureau of Investigation and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vijay Singh Kajla, Advocate
for the petitioner.

Mr. Sumeet Goel, Advocate
Retainer counsel for respondent-CBI.

Mr. Aman Pal, Advocate
for respondents no. 2 to 4.

SURINDER GUPTA, J.(Oral)

Heard.

Learned counsel for the petitioner submits that in case bearing FIR No. RC-6(S)/2010/CBI/SCB/CHD dated 02.06.2010 recorded by CBI, a closure report was submitted before the Special Judicial Magistrate, CBI, Haryana. On receipt of notice, complainant filed protest petition (Annexure P-6). Learned Magistrate while accepting the closure report passed the order dismissing the protest petition as well without giving any opportunity to the complainant to produce evidence in support of his allegations. The protest petition is required to be treated as a complaint on behalf of complainant-petitioner and the trial Court could proceed with it on the basis of evidence recorded by the CBI and also the evidence produced by the complainant-petitioner.

Learned counsel for private respondents has no objection if the

trial Court treats the protest petition filed by petitioner as a complaint and proceeds with it in accordance with law.

In view of submissions of learned counsel for the petitioner and learned counsel for private respondents, the instant petition is disposed of with direction to Special Judicial Magistrate, CBI, Haryana, Panchkula to treat the protest petition filed by complainant-petitioner as a complaint and dispose of the same in accordance with law. The petitioner is also directed to appear before the Special Judicial Magistrate, CBI, Haryana, Panchkula on 20.11.2017.

October 25, 2017

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(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No