

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

CRM-M-44119 of 2017.

Decided on:-November 27, 2017.

Sanjay Gill @ Kanhaya and another

.....Petitioners.

Versus

State of Punjab and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Navkiran Singh, Advocate
for the petitioners.

HARI PAL VERMA, J.

The petitioners have filed present petition under Section 482 Cr.P.C. for issuance of a direction to respondent No.2 i.e. Commissioner of Police, Jalandhar questioning the non-arrest of Sandeep Singh Johal despite registration of (i) FIR No.186 dated 27.10.2017 under Sections 323, 324, 148 and 149 IPC registered at Police Station Division No.5, Jalandhar, (ii) FIR No.171 dated 14.10.2017 under Sections 324, 148 and 149 IPC registered at Police Station Division No.5, Jalandhar and (iii) DDR No.46 dated 08.05.2017 under Sections 324, 148 and 149 IPC registered at Police Station Division No.5, Jalandhar.

It has also been prayed that the sentence of Sandeep Singh Johal which was suspended vide order dated 24.02.2014 passed by this Court in

CRM-49332 of 2013 in CRA-D-16-DB of 2010 titled as **Sandeep Singh @ Johal Versus State of Punjab**, be cancelled.

Learned counsel for the petitioners has argued that the aforesaid cases have been registered against accused Sandeep Singh Johal, but no arrest has been made. Therefore, the respondents are required to be directed to arrest the said accused in the aforesaid cases. He has referred to **Kedar Narayan Parida and others Versus State of Orissa and another 2009(4) RCR (Criminal) 479** to contend that the High Court has power to intervene at the stage of investigation if it is brought to its notice that investigation was conducted in a *mala fide* manner. Reliance has also been placed upon **Joginder Kumar Versus State of U.P. 1994(2) RCR (Criminal) 601**.

I have heard learned counsel for the petitioners.

So far as prayer of the petitioners that the sentence of Sandeep Singh Johal which was suspended by this Court vide order dated 24.02.2014 be cancelled is concerned, the same has no force as no such material has been brought on record, wherein the condition, if any, imposed by this Court has been violated in any manner. Even otherwise, the said sentence was suspended by the Division Bench of this Court for which the petitioners have a separate remedy available under law.

Secondly, the aforesaid FIRs i.e. FIR No.186 and FIR No.171 were registered on 27.10.2017 and 14.10.2017 respectively and it can safely be presumed that the police must have been investigating the said FIRs. The judgment referred by learned counsel for the petitioners in **Kedar Narayan Parida and others' case (supra)** is not attracted in the facts and

circumstances of present case as in that case, the investigation was conducted in a *mala fide* manner, whereas in the case in hand, FIR Nos.186 and 171 were registered on 27.10.2017 and 14.10.2017 respectively and at this stage, it cannot be presumed that the police is investigating those cases in a *mala fide* manner. Even otherwise, the nature of offence in said FIRs is not so grave, which may warrant immediate arrest of the accused.

Another judgment relied upon by learned counsel for the petitioners in ***Joginder Kumar's case (supra)*** is also not applicable to the facts and circumstances of present case, as in that case, a direction was issued by Hon'ble Supreme Court to the police authorities that a police officer, while making an arrest, should also record in the case diary, the reasons for such arrest.

Therefore, this Court finds that there is no merit in the present petition and the same is, accordingly, dismissed.

November 27, 2017
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No