

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

CRM No.M-12347 of 2016 (O&M)

Date of decision: 07.02.2018

Gurwant Singh and another

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Abhay Pal Singh Gill, AAG, Punjab.

Mr. Jitesh Wadhwan, Advocate for respondent No.9.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for issuance of a direction to respondents No.2 to 8 to issue an advance notice in case any cognizable offence is made out forming basis of registration of some criminal case against the petitioners.

At the very outset, counsel for respondent No.9 has brought to the notice of this Court that petitioner No.2 – Dibahar Singh who is son of petitioner No.1 – Gurwant Singh had earlier filed a petition with similar prayer (copy of which is attached as Annexure R9/1) and the same was dismissed as withdrawn on 09.01.2015 vide order dated 09.01.2015 (Annexure R9/2).

The order dated 09.01.2015 is reproduced as follows:-

“Learned counsel for the petitioner has submitted that he may be permitted to withdrawn the petition to enable the petitioner to approach the Magistrate under Section 156 (3) of Code of Criminal Procedure, 1973.

Dismissed as withdrawn.”

In reply, counsel for the petitioners has submitted that the FIR (Annexure P14) was registered subsequently in June, 2014.

Reply on behalf of the respondents have already been filed by way of an affidavit on the basis of the same.

Counsel for the State, on the other hand, submits that since the registration of the FIR (Annexure P14) no FIR has been registered against the petitioners and in case, any FIR is registered, the petitioners will be given notice as per Section 41 Cr.P.C. so that the petitioners may avail their legal remedy.

In view of the above, the present petition is disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

07.02.2018
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No