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

**CRM-M No.14607 of 2018
Date of Decision: 26.04.2018**

HARI KRISHAN

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Naveen Batra, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

Petitioner has assailed the order dated 08.06.2017 passed by the Judicial Magistrate Ist Class, Hoshiarpur whereby application under Section 311 Cr.P.C. was declined.

After registration of the case, Investigating Officer investigated the offence and filed challan for the offence under Sections 353, 186, 332, 341 IPC. Inquiry conducted by the DSP, Hoshiarpur vide inquiry report dated 04.10.2010 was very much in existence, but the same could not be made part of challan.

It appears that on the basis of instructions issued by the DGP deprecating the conduct of parallel inquiries by the higher officers was taken into consideration by the Investigating Officer.

The said DSP (retired), Hoshiarpur was never cited as prosecution witness. Now the said inquiry report dated 04.10.2010 is sought to be adduced by summoning the said DSP (retired) as prosecution witness. Similarly, inquiry conducted by SP (D) Hoshiarpur Randhir Singh Uppal is also sought to be treated alike.

Considering the fact that both the witnesses were never cited as prosecution witnesses, no reliance can be placed on the inquiries conducted by the aforesaid witnesses, particularly when challan presented by the Investigating Officer was squarely within the parameters of Section 173 Cr.P.C.

In view of above, no illegality is detected in the impugned order dated 08.06.2017 passed by the Judicial Magistrate Ist Class, Hoshiarpur. Consequently, the petition is dismissed accordingly.

April 26, 2018

Atik

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No