

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CRM No.M-3084 of 2018

Date of decision:5.2.2018

Mohit Chopra

... Petitioner

versus

Union Territory, Chandigarh, and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Gaurav Dhir, Advocate,
for the petitioner.
Mr.Gautam Dutt, Addl.PP, for UT, Chandigarh
Mr.B.S.Bedi, Advocate,
for respondent no.6
...

AMOL RATTAN SINGH, J. (Oral)

By this petition, the petitioner is seeking a fair and impartial investigation into the matter, with it being contended before this Court that he has documents to show that as a matter of fact, a resolution had been passed by the society in the year 1999, authorising the complainant and the President of the society (amongst other members), to sell the land in question and that, as a matter of fact, an agreement was entered into with the prospective buyers, which agreement could not fructify as it fell through.

Mr.Dutt, learned Additional Public Prosecutor, UT, Chandigarh, and Mr.Bedi, learned counsel appearing for respondent no.6-complainant, however, firstly submit that the aforesaid plea was already taken on behalf of the petitioners' father, Om Parkash Chopra, at the time when he applied for anticipatory bail before the learned Additional Sessions Judge, as also before this Court, which plea eventually was obviously

rejected by this Court, the petition seeking anticipatory bail having been dismissed, with that order even upheld by the Supreme Court.

Both learned counsel also submit that in any case, with a report under Section 173 Cr.P.C. having been filed against the co-accused of the petitioner and the matter already therefore before the competent Court, this petition at this stage is not maintainable by the son of a co-accused, with the said co-accused (Om Parkash Chopra) absconding and not joining investigation at all.

As regards the contention with regard to the complainant and the President of the society having been authorised to sell the land, Mr.Bedi submits that the complainant had refused to participate as a member of any committee way back in the year 1995.

Both he and Mr.Dutt, learned Addl.PP, further submit that the petitioners' father never having brought to the notice of the investigating agency any such agreement, the petitioner has no *locus standi* to do so.

However, any documents that the petitioner voluntarily wishes to give to the investigating agency, of course, he would be free to give, which would be considered by it.

He further specifically submits that as regards the petitioner having been summoned by the police, as was contended before this Court on the last date of hearing, the petitioner had in fact never been summoned and if he is to be summoned, proper procedure would be followed.

Having noticed the above, this petition is disposed of with a direction that if the petitioner wishes to submit any documents to the investigating agency, he would be free to do so, which would be considered

investigation continued, as is remaining, as per law.

This Court, naturally, has not expressed any opinion with regard to the contents of any document that the petitioner wishes to rely on in defence of his father.

5.2.2018
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No