

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-30928 of 2018

Date of decision: August 28, 2018

Karan Singh

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rajesh Bansal, Advocate
for the petitioner.

SURINDER GUPTA, J

Petitioner has moved this petition under Section 482 Cr.P.C. for setting aside the order dated 18.4.2018 (Annexure P-2) passed by the Judicial Magistrate Ist Class, Jhajjar.

As per allegations levelled in the complaint, accused named therein, in order to remove Ajay, since deceased, from their way poisoned and murdered him. The petitioner has alleged that the matter was reported to the police but the police has not investigated the matter. Even statements were changed and he was being given threats. He moved application under Section 156 (3) Cr.P.C. on which learned trial court instead of sending the case for registration of the FIR has opted to record preliminary evidence.

Learned counsel for petitioner has argued that complainant is not in a position to lead preliminary evidence and police in the event of FIR being registered has ample power to call all the witnesses to investigate the matter. Trial court has committed error by calling upon the petitioner to produce evidence and declining his request for registration of FIR.

Petitioner in this case is levelling allegations against the police and has come up with the plea against that police is not taking note of his complaint; threatening him and has also changed statements of witnesses

In these circumstances, I find no illegality or infirmity in the order passed by the trial court calling upon the petitioner to produce preliminary evidence. This contention of learned counsel for petitioner that he will not be in a position to produce all the witnesses is misconceived as the complainant can always furnish list of witnesses before the court and all the material witnesses can be summoned by the trial court while recording preliminary evidence.

This petition has no merits and is dismissed.

August 28, 2018

deepak

**(Surinder Gupta)
Judge**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No