

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38256-2018 (O&M)

Date of Decision:- 4.9.2018

Rajesh Kumar

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. J.S.Bedi, Senior Advocate with
Mr. Sunil Sihag, Advocate, for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

By way of filing this petition, the petitioner seeks issuance of direction to respondents No.1 and 2 to ensure that a fair and impartial inquiry be got conducted in FIR No.167, dated 26.3.2018, under Sections 380 and 457 IPC, Police Station Meham, District Rohtak through a Special Investigation Team headed by some senior police officer not below the rank of an IPS Officer. Another prayer made herein is that in case the petitioner is required to interrogated or arrested in the present case itself, then one week's prior notice be afforded to him before effecting his arrest.

Learned counsel for the petitioner has submitted that in fact the petitioner had lodged a FIR, pertaining to a theft, committed in his jewelery shop wherein gold, silver and diamond ornaments worth about ₹86 lacs had been stolen. Learned counsel has submitted that despite the fact that the FIR

was lodged about more than 4 months back, the police has been unable to trace the accused and rather on the other hand are now proceeding to harass the petitioner and have been calling him time and again and despite the fact that the information sought from him had been furnished to the police, the police is bent upon to falsely implicate the petitioner himself.

Having heard the learned counsel for the petitioner, I find that the police is well within its jurisdiction to probe all angles and also to make inquiries from the complainant himself so as to rule out the possibility of lodging of false case on the basis of cooked up allegations by the complainant.

Since specific allegations have been made in the petition that respondents No.4 and 5 are intentionally trying to falsely implicate him despite having been unable to trace the real culprit and are unnecessarily harassing him, therefore, the petition is disposed of with a direction to Superintendent of Police, Rohtak (respondent No.3) to look into representation Annexure P-2 (although addressed to Director General of Police, Haryana) and to dispose off the same expeditiously. In case the allegations levelled therein are found to be well founded, then necessary steps as warranted under law be taken thereupon immediately so as to ensure that the matter is fairly and impartially investigated. It is further directed that in case the petitioner is required to be associated with any inquiry or any information is required to be elicited from him, then a prior notice in terms of Section 160 Cr.P.C. be afforded to him. Further in case the petitioner is sought to be arrested in this very case, then one week's prior notice be issued to him before effecting his arrest.

A copy of this order along with copy of representation Annexure P-2 be sent to respondent No.3 immediately so as to enable him to do the needful expeditiously.

September 4, 2018
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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No