IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-2983-2018 (O&M)
Date of Decision:-06.09.2018.

Paramjit Singh Pamma

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

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Present: Mr. P.S. Hundal, Senior Advocate with
Mr. DineshTrehan, Advocate for the petitioner.

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P.B. BAJANTHRI, J. (Oral)

In the instant petition, petitioner has sought for quashing of the order dated 18.08.2018 passed by the learned Special Judge, Amritsar, whereby petitioner's application under Section 173 (8) Cr.P.C. has been rejected.

2.) Learned counsel for the petitioner in support of challenge to the order dated 18.08.2018 whereby his application under Section 173 (8) is rejected, has submitted that due to political vendetta, petitioner has been falsely implicated. His brother Ranjeet Singh against whom number of cases were registered due to political vendetta, he has been acquitted. Thus, the matter is required to be re-investigated. In support of this contention, he relied on Supreme Court decision passed in ***Ram Lal Narang Vs. State (Delhi Admin.) 1979 AIR (SC) 1791*** para No.21.

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3.) Heard the learned counsel for the petitioner.

4.) Having regard to the language employed in Section 173 (8) Cr.P.C., ultimately, it is a discretion vested with the Magistrate whether re-investigation is required to be ordered or not with reference to material placed on record. Merely stating that it is a political vendetta and his brother was implicated in some other case, does not mean that matter is required to be re-investigated. Supreme Court in the case of ***(2006) 7 SCC 296 (Popular Muthiah Vs. State Represented by Inspector of Police)*** wherein principle has been laid down in respect of Section 173 (8) Cr.P.C. In view of the principle laid down in the Supreme Court decision cited supra, it is evident that discretionary power is vested with the Magistrate. In the present case, Court has exercised power with judicial mind. Merely reference to petitioner's brother's involvement in some other cases and political attachment with a particular party that has resulted in implicating the petitioner cannot be accepted. Accordingly, petitioner has not made out a case.

5.) Petition stands dismissed.

6.) All the contentions raised in the present petition be urged in the Trial before Trial Court and Court may consider such contentions in accordance with law.

(P.B. BAJANTHRI)
JUDGE

September 06, 2018.
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Whether speaking/reasoned:- Yes / No

Whether Reportable:- Yes / No.

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