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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56313-2018 (O&M)
Date of decision : 15.12.2018

Satpal Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Keshav Pratap Singh, Advocate for the petitioner.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Heard.

This is a petition filed under Section 482 of the Code of Criminal Procedure for quashing of the order dated 4.12.2018, (Annexure P-4), passed by learned Additional Sessions Judge, Jind along with all consequential proceedings arising therefrom.

Learned counsel for the petitioner contends that murder trial is going on before the Additional Sessions Judge, Jind. In the trial, it came out that X-ray films received by the present petitioner-ASI Satpal Singh have been lost and not placed with the file of the Court. After recording the statement, learned Additional Sessions Judge, Jind vide impugned order dated 4.12.2018 (Annexure P-4) has ordered to register the FIR against the present petitioner. He has also ordered the departmental inquiry against him as well as to identify the other police officials for their negligence and to submit the inquiry report within two months of the said Court.

Learned counsel for the petitioner has no objection to the departmental inquiry to identify persons responsible for the loss of X-ray films. However, his contention is that before the departmental inquiry, FIR should not be registered.

Notice of motion.

On the asking of the Court, Mr. Ramesh Kumar Ambavta, AAG, Haryana, present in Court, accepts notice.

A copy of the complete paperbook be handed over to learned State counsel during the course of the day.

After going through the impugned order dated 4.12.2018 (Annexure P-4), I am of the view that the trial Court has passed two directions *first* to register an FIR and *second* to initiate of departmental inquiry against the present petitioner-ASI-Satpal Singh and further to identify the other police officials for their negligence and submit the inquiry report before this Court.

I am of the view that prima facie without the petitioner being held guilty in the inquiry, no FIR should be straight away registered. FIR is to be registered only if the petitioner is found guilty to destroy the X-ray films.

It being so, part of the impugned order dated 4.12.2018 (Annexure P-4), passed by learned Additional sessions Judge, Jind, so far as directing the respondents to register an FIR against the present petitioner is set aside and further part of the order is kept intact. Trial Court shall always be competent to pass appropriate orders after going through the inquiry report which is to be submitted before that Court within two months.

Disposed of accordingly.

(KULDIP SINGH)
JUDGE

15.12.2018

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Whether speaking / reasoned
Whether Reportable:

Yes
No