

COCN No. 3088 of 2016 (O&M)
DECIDED ON: SEPTEMBER 24, 2019

JAGDEV SINGH GOLDY

.....PETITIONER

VERSUS

WASIM AKRAM AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Arjun Lakhanpal, Advocate
for the petitioner.

Mr. Sandeep S. Mann, Sr. DAG, Haryana.

AVNEESH JHINGAN, J (ORAL)

The Branch Manager, (Hire Purchase), M/s Jatin Motors Kaithal Road, Patiala Chowk, District Jind filed a CRM-M No. 8901 of 2015 for seeking direction to the respondents to conduct a fair and impartial investigation in FIR No. 869, dated 24.10.2013, registered at Police Station City, Jind. In the said petition an assurance was given by learned State counsel that the Superintendent of Police concerned would be requested to take action in accordance with law. The petition was dismissed on 17.08.2015.

The present contempt petition has been filed stating that the needful has not been done as per the assurance given to the Court.

Pursuant to notice of motion, replies/affidavits of the respondents have been filed. As per the pleadings of the affidavit dated 18.09.2017 of Sh. Shashank Anand, IPS, Superintendent of Police, Traffic and Security Chandigarh posted at the relevant time in District Jind, the matter was looked

into and incriminating material was found against some of the persons and they were found innocent. But challan was produced against Arun Singh on 01.03.2014. During the course of trial, petitioner appeared and examined the prosecution witnesses. Thereafter, he moved an application under Section 319 of the Code of Criminal Procedure, 1973 for summoning Radhey Shyam, Rajat Sharma, Vijay Arora and Dharmender Arora, all residents of Jind. Further summoning of Secretary, RTA Bhiwani and concerned official staff of RTA Bhiwani as accused was asked for. The said application was dismissed by learned Judicial Magistrate Ist Class, Jind on 10.08.2017.

In view of the afore-said facts, learned counsel for the petitioner submits that no cause of action survives for pursuing the present petition. However, he seeks liberty to avail remedy in accordance with law.

Disposed of as infructuous with liberty as prayed for.

Rule issued against the respondent stands discharged.

SEPTEMBER 24, 2019
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*