

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-31219 of 2019 in/and
CRM-M-4688 of 2019
Date of Decision: 14.10.2019

Mubin

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. R.S. Sahota, Sr. Advocate
with Mr. Mazlish Khan, Advocate
for the petitioner.

SURINDER GUPTA, J.

This is application (CRM-31219-2019) seeking restoration of petition (CRM-M-4688-2019), dismissed vide order dated 17.09.2019, which reads as follows:-

“Learned State counsel on instructions from Inspector Vikas submits that a case bearing FIR No. 67 dated 20.02.2019 was registered on the statement of Rukman. An enquiry was conducted and seven out of eight named persons have been arrested and challan has been presented in Court. The police is making attempt to arrest the eighth accused also and will present supplementary challan against him at later stage.

None has appeared for the petitioner.

Dismissed for non-prosecution.”

Learned counsel for the petitioner seeks restoration of petition (CRM-M-4688-2019) on the ground that counsel for the petitioner could not appear on 17.09.2019 as he was busy before other Bench.

I have heard learned counsel for the petitioner on the application as well as on merits of main petition.

The petitioner has sought direction to police authorities including Superintendent of Police, Mewat to register a case against guilty persons and to constitute a Special Investigating Team (SIT) for atrocities committed on inmates in Safe/Reform House.

This fact is admitted that FIR on the representation (Annexure P-6) of petitioner has been registered and six persons have been arrested. Departmental proceedings were also initiated against SHO, Police Station NIT, who delayed registration of FIR by 35 days. SIT was also constituted to investigate the case. Challan has now been presented and the matter is before the Court.

In view of above, this petition has been rendered infructuous after registration of FIR, arrest of accused and presentation of challan.

Learned counsel for the petitioner submits that all the accused have not been named in the challan despite statements of complainant and witnesses recorded by the police.

After presentation of challan in Court the petitioner has remedy to move application under Section 319 Cr.P.C. or to avail other legal remedy available to him to initiate criminal proceedings against persons, whose involvement in crime in question has been alleged and on filing of such application the trial Court is competent to look into the same and pass appropriate order.

The application (CRM-31219-2019) seeking restoration of main petition (CRM-M-4688-2019) is allowed, however, the main petition is dismissed as having been rendered infructuous with liberty to petitioner

to avail other legal remedy available to him under the law.

October 14, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*