

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

101

CRM-M-28170 of 2018 (O&M)

Date of decision:26.11.2019

Sukhvir Singh

... Petitioner

versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Liaqat Ali, Advocate,
for the petitioner
Mr.A.P.S.Gill, DAG, Punjab
Mr.Aayush Gupta, Advocate,
for respondent no.2.

...

AMOL RATTAN SINGH, J. (Oral)

By this petition, the petitioner seeks cancellation of the bail granted to respondent no.2, Kulvir Singh @ Kulvira, by the learned Additional Sessions Judge, Ludhiana, initially vide an order passed on 4.5.2017 (copy Annexure P-2), after which on 16.5.2019 that Court recorded that the investigating officer had submitted that respondent no.2 had been declared innocent during the investigation.

Consequently, the interim order was confirmed by that Court.

The petitioner thereafter had approached this Court by way of CRM-M-33099 of 2017, which was disposed of on 7.9.2017 with a direction to the second respondent in that petition, to look into the representation of the petitioner and to take action as per law.

Thereafter, the DIG, Ludhiana Range, is stated to have marked an enquiry/investigation to the SSP, Police District Khanna, who submitted

a report indicting respondent no.2 and two other persons as those responsible for causing injuries to the petitioner, with eventually (as learned State counsel has submitted today), an offence punishable under Section 201 of the IPC added to the offences already alleged to have been committed as per the FIR (i.e. those punishable under Sections 307/323/324 of the IPC).

That enquiry report was accepted by the DIG, Ludhiana Range, and in fact disciplinary proceedings were ordered to be initiated against the investigating officer who had initially investigated the case and had declared respondent no.2 to be innocent.

That being the situation, learned State counsel upon query submits (on instructions from ASI Dalwinder Singh), that in fact the report under Section 173 of the Cr.P.C. has already been submitted to the trial Court, with charges having been framed by that Court.

That being so, though anybody can empathize with any person who has been injured, with the person whom he perceives to have injured him roaming large, however, very obviously, the custodial interrogation of respondent no.2 is not required presently, and as regards the evidence gathered by the investigating agency, that obviously has been submitted to the trial Court along with the report.

Consequently, unless any Court of law directs further investigation for any reason, till that time the custodial interrogation of respondent no.2 would obviously not be required.

Further, there is no allegation so far with regard to any threat meted out to the petitioner at the hands of respondent no.2.

Hence, in view of the above, without making any comment on the actual merits of the case for or against respondent no.2, or the case of the prosecution and the complainant, this petition is dismissed.

Naturally, nothing stated hereinafore will be taken by the trial Court to be an observation on the merits of the case, with the trial to proceed wholly on the basis of evidence led before that Court.

26.11.2019
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No