

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

126

**CRR-1541-2019(O&M)
Date of Order: 26.08.2019**

Inderjit

..Petitioner

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Viraj Gandhi, Advocate, for the petitioner

Mr. Manish Bansal, DAG, Haryana

ANIL KSHETARPAL, J(Oral)

Application under Section 319 of the Code of Criminal Procedure was disposed of by the learned Additional Sessions Judge vide order dated 06.04.2019 by concluding that the learned trial Court observed as under:-

The State should first look into the affairs of the investigating agency and only then it should have moved the application under Section 319 Cr.P.C so the application under Section 319 Cr. P.C stands dismissed for the time being without expressing the opinion about the innocence or involvement of these accused. The prosecution or the complainant would be competent to move such application later at appropriate stage if circumstances so require.

A copy of this order be sent to SSP, Jind, to call the status report as to what is impinging the investigation against the above named persons and why the police is feeling helpless in joining these accused in investigation why the Investigating agency wants to keep investigation against these accused pending for such a long period. It is pertinent to mention here that on what basis accused are flexing the muscles in the court by acclaiming themselves innocent when police investigation qua them is still not complete. If the police is keeping back any such report or their innocence the same may forwarded to the court at the earliest."

Affidavit of Superintendent of Police, Jind, has been filed, in

which it has been averred that after investigation police did not find any material against the additional accused sought to be summoned.

Keeping in view the fact that the learned Additional Sessions Judge, Jind, had directed the Superintendent of Police, Jind to call the status report and now as per the Superintendent of Police, Jind, investigating agency is not proposing to file any supplementary challan, therefore, it is considered appropriate to direct the learned Additional Sessions Judge, Jind, to decide the application under Section 319 of the Code of Criminal Procedure on merits.

Learned counsel for the petitioner has submitted that the main case is fixed for 05.12.2019.

Learned Additional Sessions Judge, Jind, is requested to make sincere endeavour to decide the application before the next date of hearing after issuing notice to the parties concerned.

Disposed of accordingly.

August 26, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No