

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-36139 of 2019

DATE OF DECISION: AUGUST 30, 2019

GURMIT SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. PREMJIT SINGH HUNDAL, ADVOCATE
FOR THE PETITIONER.

MANOJ BAJAJ, J.(ORAL)

Petitioner Gurmit Singh has filed this petition under Section 482 Cr.P.C. to challenge the alleged notice dated 23.7.2019 (Annexure P-3) issued under Section 160 Cr.P.C. calling him to bring the requisite documents in connection with the application given by Pardeep Chahal, owner M/s Chahal Enterprises. Said notice was issued by ASI Daljit Singh, P.S. Lambra, District Jalandhar (Rural).

Learned counsel for the petitioner contends that the exercise of power under Section 160 Cr.P.C. by the said officer is illegal as he has no authority to call the accused. He has invited the attention of the Court to the Section 160 Cr.P.C. to contend that the power under this Section can be exercised only in respect of a witness. He has relied upon the judgement passed by the Hon'ble Supreme Court in *Inspector of Police and others vs. NMT Joy Immaculate, 2004 CrL. Law Journal 2515 Addl. Sessions Judge, Chandigarh* to contend that the provisions are attracted only in respect of the witnesses and not an accused.

A perusal of the file reveals that pursuant to the notice dated 23.7.2019, the petitioner attended Police Station, Lambra on 26.7.2019. Even otherwise, there is no FIR registered so far and therefore, the argument raised by learned counsel of the petitioner is not tenable.

Since the impugned notice had voluntarily been responded to by the petitioner, therefore, this petition dated 26.8.2019 for quashing of the notice dated 23.7.2019 is not maintainable.

In view of the above, the petition fails and is dismissed.

August 30, 2019
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No