

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

102)

Crl. Misc. No.M-40559 of 2019 (O&M)

Date of Decision: 25.11.2019

Shamender Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- None for the petitioner.
Mr. Navdeep Singh, AAG, Haryana.

Amol Rattan Singh, J. (Oral)

On 23.10.2019, the following order had been passed:-

“Though the order dated 23.09.2019 had not been complied with till the last date of hearing, i.e. 27.09.2019, today CRM no.30460 of 2019 has been filed seeking to place on record a copy of an affidavit shown to be executed by one Ravi Kumar son of Ram Mehar, with Ram Mehar stated to be the complainant in the FIR in question. The affidavit is stated to be executed on 27.04.2017., stating therein that a Swift Dzire car, bearing registration no.HR-05AH-9374, Chassis no.308616, Engine no.126801, Model 2013, had been sought to be purchased by the aforesaid Ram Mehar from the petitioner, but with the registration thereof being in the name of Jasbir Singh; and that the aforesaid Ram Mehar had taken possession of the car by paying Rs.93,000/- in cash, with Rs.3,52,000/- remaining to be paid which “would be paid by 17.05.2017”, failing which the deal would be considered to be cancelled and the amount paid would also be entitled to be forfeited and the petitioner would again take possession of the car.

However, it is also further stated in the affidavit that if there was any court case pending prior to 27.04.2017 or any *challan* etc. issued in respect of the said vehicle prior to that date, it would be the petitioner who would be responsible (obviously for any liability arising therefrom).

Learned counsel for the petitioner submits that the possession of the vehicle was never taken back by the petitioner from the

aforesaid Ravi Kumar, and consequently what has been observed in the order of the learned Addl. Sessions Judge, Karnal, dated 03.09.2019, invoking the concession of anticipatory bail granted to the petitioner, to the effect that he was not giving the location of the car to the investigating agency, is wholly a misconceived notion, with the petitioner never having been in possession of the car.

The application is allowed, subject to all just exceptions, with the copy of the affidavit as is sought to be placed on record along with its translated version, ordered to be so taken on record with the accompanying petition, with of course, the complainant, as also the respondent-State, at liberty to refute the contents thereof in whatever manner.

The complainant, Ram Mehar, is ordered to be impleaded as respondent no.2 in the petition, with the Registry directed to carry out the necessary correction in the memo of parties, taking his parentage and address from the copy of the FIR itself as has been annexed with the petition.

Notice in the petition to the newly added respondent, returnable on 04.11.2019.

Process *dasti* as well.”

Thereafter the report of the Registry dated 01.11.2019 is to the effect that the process fee was not filed by the petitioner for notice to be issued to the newly added respondent, i.e. respondent no.2. However, the turn of the case not having come up on 04.11.2019, it was adjourned 'by order' to 18.11.2019, on which date also the turn of the case came up well after 4.00 p.m. Consequently, while noticing that no process file has been filed, the matter had been adjourned till today, to be shown in the urgent motion list.

Today again none appears for the petitioner even on second

call, though the second call of course has come after 4.00 p.m.

Consequently, with the counsel for petitioner not appearing constantly and even process fee not having been deposited for notice to be issued to respondent no.2, I see no ground to entertain this petition, which is consequently dismissed.

(AMOL RATTAN SINGH)
JUDGE

25.11.2019
vcgarg

Whether reasoned/speaking: Yes
Whether reportable: No