

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46953 of 2019

Date of Decision: 25.11.2019

Malkiat Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Vipin Mahajan, Advocate,
for the petitioner.

Mr. B.S. Sewak, Addl. A.G. Punjab.

Mr. N. K. Vadehra, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (ORAL)

On 06.11.2019, the following order had been passed:-

“Learned counsel for the petitioner submits that, firstly, the FIR was registered on 16.10.2019 in respect of an incident that is stated to have taken place 11 days earlier, on 5.10.2019, with the petitioner allegedly having inflicted *Dang* blows on the person of the complainant, the other allegation being that during the fight that took place, Rs.20,000/- fell down from the pocket of the complainant which the petitioner allegedly picked up and also took one gold ring that the complainant was wearing.

Even before notice of motion has been issued, Mr.Narinder Kumar Vadehra, Advocate, appears for the complainant and has submitted that as regards the delay in filing the FIR, it was on account of the fact that the complainant remained admitted in hospital for 20

days and in fact since they belong to the same village, talks of a compromise being effected were on going and it was only upon the said talks having failed, that the FIR was got registered.

In rebuttal, learned counsel for the petitioner submits that the question of any compromise does not arise because the families of the two parties are at loggerhead and in fact the entire incident has been cooked up after the complainant allegedly fell down from his motorcycle and sustained injuries, and with the background of the dispute between the families, there would have been no question of him not getting the FIR registered immediately, and with him having gone to a private hospital and got himself admitted there.

Without making any comment on the actual merits of the case at this stage, let notice of motion be issued, returnable on 25.11.2019.

In the meanwhile, upon the petitioner joining investigation and complying with all conditions stipulated in Section 438(2) of the Cr.P.C., if he is sought to be arrested, he shall be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

If the investigating officer does not actually join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this Court.

Today, learned State counsel, on instructions from ASI Lekh Raj who is present in court to assist him, submits that the petitioner has joined investigation and presently his custodial interrogation is not required.

Learned counsel for the complainant, on the other hand, submits that in fact it was the complainant who was admitted to the Army Hospital on 06.10.2019, wherein he also he had stated that he had been attacked by three individuals.

Without making any comment on the actual merits of the case for or against the petitioner, with the investigating agency having stated that his custodial interrogation is not required, the petition is disposed of, with the order dated 06.11.2019 made absolute.

However, the aforesaid order will not be treated to be an observation of this court on the merits of the case, but only in view of the fact that the investigating agency itself has stated that it does not require custodial interrogation of the petitioner.

Naturally, the complainant would be at liberty to avail of his legal remedy as regards any grievance, including the investigation process.

November 25, 2019
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No.