

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 22405 of 2020

Date of Decision: 11.8.2020

Harmander Singh and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Maninder Arora, Advocate
for the petitioners.

HARNARESH SINGH GILL, J. (ORAL)

Case is being taken up for hearing through video conferencing.

This is a petition under Section 482 Cr.P.C. for issuance of directions to respondents No. 2 and 3 to recover the weapon from the accused persons for their forensic opinion with respect to their usage in case FIR No. 606 dated 7.10.2018 (Annexure P-1) and for restraining the police authorities from initiating proceedings under Section 182 IPC against the petitioners.

Learned counsel for the petitioners submits that the accused persons had tried to kill petitioner No. 2 by using their revolver, however, he was escaped and regarding this petitioner No. 1 had lodged FIR No. 606 dated 7.10.2018 under Sections 25 and 27 of the Arms Act and Sections 148, 149, 307, 341 and 506 IPC, registered at Police Station Safidon, District Jind (Annexure P-1). He further submits that the accused persons moved an application before the police authorities alleging that the weapons used in occurrence belong to the complainant party themselves and therefore, the petitioners were directed to surrender their licenced weapons and accordingly, the petitioners surrendered their weapons with the police and forensic report is

still awaited. Learned counsel further submits that the petitioners have also

moved an application dated 15.7.2020 (Annexure P-3) to the Superintendent of Police directing the accused persons to surrender their weapons for forensic opinion but no action has been taken on the said application.

I have heard the learned counsel for the petitioners.

In the present case, the petitioners have sought a direction to get recover the weapons from the accused persons for their forensic opinion, in FIR No. 606 dated 7.10.2018 got registered by petitioner No. 1 against the accused persons under Sections 25 and 27 of the Arms Act and Sections 148, 149, 307, 341 and 506 IPC. In the said FIR, the petitioners have surrendered their weapons with the police, on the directions issued by the police authorities and the report of Forensic Science Laboratory is still awaited.

The Courts can interfere and issue the directions only when it is convinced that the power of investigating officer is exercised *mala fide*. If the Court is to interfere in each and every stage of the investigation, it would affect the normal course of the investigation and it must be left to the investigating agency to proceed in its own manner.

In the present case, FIR has already been registered against the accused persons and the investigating agency is proceeding with the investigation. Moreover, report of the Forensic Science Laboratory is still awaited regarding the weapons surrendered by the petitioners.

Keeping in view the above, no ground for issuance of directions is made out.

The petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

August 11, 2020

Gurpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No