

CRM-M-2582-2021

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

CRM-M-2582-2021

Date of decision: 19.01.2021

Jabir Hussain

...Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Mohammad Arshad, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J.

Case was taken up for hearing through video conferencing.

The present petition has been filed under Section 482 Cr.P.C. for issuance of directions to respondents No.2 to 4 to investigate the case bearing FIR No.394 dated 23.07.2019, under Sections 120-B, 406, 420 and 506 IPC, registered at Police Station Tauru, District Nuh, Mewat, in a fair and impartial manner.

The grievance of the petitioner in sum and substance is that no fair investigation is being conducted, inasmuch as, till date the police has not arrested the accused.

Notice of motion to respondents No.1 to 4-State only at this stage.

On the asking of this Court, Mr. Apoorv Garg, DAG, Haryana, accepts notice on behalf of respondents No.1 to 4-State. He, on instructions from ASI Bhawar Singh, Police Station Tauru, Nuh, submits that though the above-noted FIR was registered on 23.07.2019, yet on

CRM-M-2582-2021

161 Cr.P.C. stating that accused/respondents No.5 to 9 came to his shop and had persuaded the petitioner to invest his money in ADSPRO, a multi-level marketing company, and that a similar statement was got recorded by Julkar Nain, brother of the petitioner, on the same very day. It is further submitted that while making his supplementary statement on 15.08.2019, the petitioner had submitted his statement of accounts showing transactions with the accused besides handing over the whatsapp chat. As the accused had evaded their arrests, the Investigating Officer moved an application before the Illaqa Magistrate on 15.01.2020 for issuance of their non-bailable warrants, which prayer was allowed and the same were issued for 17.03.2020. It is, however, submitted that thereafter, because of the nationwide lock-down due to Covid-19 Pandemic, fresh non-bailable warrants could not be issued, which was necessitated because of non-execution of the earlier non-bailable warrants. Thereafter, on an application moved by the Investigating Officer on 07.05.2020, the non-bailable warrants were issued for 04.12.2020 and now, the proceedings stand adjourned to 09.04.2021.

From the aforesaid, it is apparent that the accused have not been arrested till date and the prosecution agency after having moved an application and obtained the non-bailable warrants, is still at the stage of not being able to get the said warrants executed. No doubt, the court proceedings came to a halt due to Covid-19 for some time, but that does not mean that the prosecution agency should give a free run to the culprits for all time to come.

It is, however, to be kept in mind that as per the catena of

CRM-M-2582-2021

judgments from the Hon'ble Apex Court, the powers of the Magistrate are wide and the complainant or any aggrieved person having a direct concern with the trial/proceedings may approach him at any stage for redressal of his grievance.

In view of the said background, the present petition is dismissed. However, the learned trial Magistrate/Illaqa Magistrate concerned shall see to it that the non-bailable warrants issued against the accused are executed and there may be no effort from any quarters to paralyze the proceedings arising out of the aforesaid FIR, subject of course to the rights of the accused to plead and prove their innocence, in accordance with law.

19.01.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No