

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

105

CRM-M-26329 of 2020

Date of Decision: 11.1.2021

Surender @ Sulli

.... Petitioners

Vs.

State of Haryana and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Ms.Rosi, Advocate,
for the petitioner
Mr.B.S.Virk, DAG, Haryana

...

AMOL RATTAN SINGH, J. (ORAL)

Case heard by video conferencing.

On 26.11.2020, the following order had been passed:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, the petitioner seeks a direction to the respondents by invoking jurisdiction of this court, under the provisions of Section 482 Cr.P.C., to conduct further investigation in case FIR No.219, dated 29.04.2020, registered at Police Station Camp Palwal, District Palwal, alleging therein the commission of an offence punishable under Section 346 of the IPC.

He further seeks a direction to respondent no.2 to constitute a special investigation team to investigate the case.

Despite the State having been directed to file a status

report vide an order passed on 07.09.2020 and the State having sought further time to do so on 13.10.2020, no such status report has been filed, with learned counsel for the petitioner submitting that the petitioner is being pressurised by the police to in fact withdraw his complaint.

Though it is seen that notice of motion was not formally issued in this petition, however, upon the aforesaid direction having been issued on 07.09.2020, learned State counsel on the next date of hearing had sought further time to file that report. Obviously therefore, issuance of formal notice stands waived.

Adjourned to 11.01.2021.

The Superintendent of Police, Palwal, is directed to now file his own affidavit in reply to each and every paragraph of the petition and to enquire into the issue of alleged pressurising of the petitioner to withdraw the complaint.

If a detailed affidavit of the SP is not filed at least 5 days before the next date of hearing, with an advance thereof to counsel for the petitioner, he shall remain personally present in court on the next date of hearing itself by way of video conferencing.

In the meanwhile, the report under Section 173(2) of the Cr.P.C. shall not be submitted to the competent court till the next date of hearing.”

Subsequent thereto an affidavit of the Superintendent of Police,

Palwal, dated 1.1.2021, is on record, stating therein essentially that a special investigating team was constituted in December 2020, with the persons on whom the petitioner had cast a suspicion having been joined in investigation and with the mobile phone call details also tracked down, with the investigation still being underway.

Learned counsel for the petitioner firstly submits that none of the accused have been arrested but thereafter upon this court pointing out that the investigation is still in progress and that a special investigation team has been constituted in December 2020, with the mobile phone call details also traced out, she submits that this petition may be disposed of with a direction to the SP, Palwal, to ensure that the investigation continues fairly and is taken to its logical conclusion.

In view of the above, this petition is disposed of with a direction to the Superintendent of Police, Palwal, to ensure that investigation is conducted fairly and thoroughly and taken to its logical conclusion, after which of course any party aggrieved qua the investigation conducted, and any report submitted to the competent court, would obviously have their legal remedies qua such investigation/report.

11.1.2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
No/Yes