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

CRWP-9323-2021

Date of decision : 29.09.2021

Satwinder Singh Chatha and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Paras Talwar, Advocate for the petitioners.

Mr. Amit Mehta, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a Criminal Writ Petition filed under Articles 226/227 of the Constitution of India directing the official respondents to comply with the mandate of Section 160 of Cr.P.C. in case the presence of the petitioners is required with respect to FIR No.146 dated 17.07.2021 registered under Section 420 of the Indian Penal Code, 1860 at Police Station Jamalpur, District Ludhiana.

Learned counsel for the petitioners has submitted that petitioner Nos.1 and 2 are husband and wife and petitioner No.3 is brother-in-law of petitioner No.1 and that daughter of petitioner Nos.1

and 2 was married with respondent No.4 and thereafter their daughter had gone to Canada and on account of COVID restrictions, respondent No.4 could not go to Canada and thus, he had got the abovesaid FIR registered against daughter of petitioner Nos.1 and 2. The daughter of petitioner Nos.1 and 2 is in Canada and thus, the petitioners are not the accused in the abovesaid FIR but however, the police officials are calling the petitioners time and again in the Police Station at the behest of private respondents.

Learned counsel for the petitioners has submitted that the petitioners would be satisfied in case the provision of Section 160 of Cr.P.C. is followed before the petitioners are called in the Police Station with respect to the abovesaid FIR. In support of his contention, he has relied upon the judgment dated 29.06.2021 passed by the Coordinate Bench of this Court in *CRWP-5882-2021 titled Karamjit Kaur Vs. State of Punjab and others*.

Mr. Amit Mehta, Sr. DAG, Punjab, learned counsel for the State, who has already been provided the copy of paper book in advance, has submitted that in case, the petitioners are not involved in the case and are not the accused in the FIR, then the said procedure in accordance with the provision of Section 160 of Cr.P.C. would be followed.

Keeping in view the abovesaid facts and circumstances, moreso the fact that the petitioners are not the accused in the abovesaid FIR, the present Criminal Writ Petition is disposed of with directions to the official respondents that in case the petitioners are required in the

abovesaid FIR No.146 dated 17.07.2021 registered under Section 420 of the Indian Penal Code, 1860 at Police Station Jamalpur, District Ludhiana then the provision of Section 160 of Cr.P.C. be complied with.

It is made clear that in case, the petitioners are accused in the abovesaid FIR, then the said direction would not apply.

Nothing stated above shall be construed as an expression of opinion on the merits of the case.

29.09.2021

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**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No