

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(107)

CRM No. M-44398 of 2021
Date of Decision : 27.10.2021

Rajnish Wadehra

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Suvir Sidhu, Advocate and
Ms. Mandeep Kaur, Advocate for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.
(keeping in view advance copy given)

Harsimran Singh Sethi J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. seeking direction to respondents No. 1 to 4 to comply with the direction as given by the Hon'ble Supreme Court of India in *Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273*, in connection with the complaint filed by respondent No. 5 dated 10.08.2021.

Learned counsel for the petitioner argues that petitioner and respondent No. 5 are brother and sister and there is a dispute between them with regard to the property left behind by their late father. Learned counsel submits that respondent No. 5 has filed a complaint qua some property dispute before the police authorities on 10.08.2021 and the petitioner was

called in pursuance to the said complaint by the police and the petitioner had appeared before the police authorities on three occasions and, therefore, in case the petitioner's presence is sought hereinafter, the appropriate procedure, as envisaged under law should be adopted by the police authorities before summoning the petitioner.

Notice of motion.

Mr. Gaurav Bansal, learned Assistant Advocate General, Haryana, who is present in Court, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State. Learned State counsel on instructions from ASI Anil Kumar, EOW, Gurugram concedes that the petitioner appeared before the police authorities in connection with the complaint filed by respondent No. 5 on three occasions but he had sought time to file the reply so as to render his side of defence to the allegations raised by respondent No. 5 in her complaint but as of now, the police is yet to receive any such reply from the petitioner.

Learned counsel for the petitioner controverts the said allegations and submits that reply to the allegations alleged by respondent No. 5 has already been given by the petitioner on 07.10.2021, a copy of which has already been appended as Annexure P-11 with the petition and no further reply is needed as the petitioner has already clarified his position before the authorities qua the said allegations in the said reply. Learned counsel for the petitioner submits that as the copy of the petition has already been given to the respondents, in case the police authorities does not have that reply, the reply which has been appended as Annexure P-11 dated 07.10.2021 be treated as the reply from the petitioner and no further reply

needs to be submitted by the petitioner to controvert the allegations alleged in the complaint submitted by respondent No. 5.

Learned State counsel submits that keeping in view the said stand being taken by the petitioner, in case presence of the petitioner is required with police authorities, he will be called in accordance with law by giving due notice as required under law, otherwise action required to be taken by the police authorities on the complaint submitted by respondent No. 5, will be taken with according to the due process of law.

Learned counsel for the petitioner submits that keeping in view the above statement of learned State counsel, the grievance of the petitioner as raised in the present petition, as of now, stands redressed as of now and the petitioner does not wish to press this petition any further and the same may be disposed of with liberty to the petitioner to avail appropriate remedy in case, he is aggrieved against any action, which might be taken by the investigating agency henceforth, in accordance with law before the appropriate forum.

Ordered accordingly.

October 27, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No