

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(105)

CRM No. M-4004 of 2022
Date of Decision : 11.02.2022

Mahabir

...Petitioner

Versus

State of Haryana and others

...Respondents

(Through Video Conferencing)

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Ms. Dilmrig Nayani, 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 with a prayer that the investigation in FIR No. 321 dated 29.11.2021, which has been registered under Sections 325 and 506 IPC at Police Station Manesar, District Gurugram, should be conducted in a free and fair manner and does not cause prejudice either to the complainant or the accused in any manner.

Learned counsel for the petitioner argues that in the present case, the injury which has been inflicted upon the petitioner, has not been got examined from the proper hospital hence, petitioner be got examined from a Board of Doctors of a Government Hospital at Gurugram so as to ascertain whether, the injury received by the petitioner, attracts Section 307 of the IPC or not.

Notice of motion.

Mr. Gaurav Bansal, learned Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in

view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel submits that investigation in the FIR is being done in a manner without causing prejudice either to the complainant or the accused and learned State counsel assured this Court that all the required steps to investigate the allegations alleged in the FIR will be undertaken so as to elicit the truth. Learned State counsel further submits that he has instructions to submit that the petitioner will be got medically examined from a Board of Doctors of a Government Hospital at Gurugram after following due process of law and the investigating agency will act upon the said report.

Learned counsel for the petitioner submits that keeping in view the above statement, no further grievance of the petitioner survives and submits that petitioner will present himself on 14.02.2022 before the investigating agency so that he can be examined from the Board of Doctors of a Government Hospital at Gurugram.

As the present order is being passed without hearing the accused, it is made clear that though, claim of the petitioner has been conceded by the State counsel but still, the concession granted by the State will not preclude the accused in any manner to raise any objection, as permissible under law, in case, the accused has any grievance with regard to the report to be submitted by the Board of Doctors of a Government Hospital at Gurugram after examination of the petitioner on 14.02.2022.

Petition stands disposed of in above terms.

February 11, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No