

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

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**CRM-M-4755-2021
Decided on : 03.08.2022**

Dharm Singh @ Sunder

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

PRESENT: Mr. Anubhav Siwach, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Section 482 Criminal Procedure Code, praying for direction to respondent No.2 to conduct a fair and proper investigation in case FIR No. 97, dated 12.06.2020, registered under Sections 279, 337, 379 of the Indian Penal Code, at Police Station Mohana, Tehsil & District Sonipat.

Status report by way of affidavit of Vipin Kadian, Deputy Superintendent of Police, Headquarter, Sonipat, on behalf of the respondent-State, has been filed with a copy in advance to the counsel for the petitioner.

The aforesaid status report reads thus:-

“3. That in compliance of the above mentioned order of the Hon'ble High Court, complainant/petitioner Dharam Singh son of Shri Bhagwana, resident of village Murthal, Sonipat was tried to be joined in the investigation of this case and in that efforts, notices dated 23.04.2021, 28.04.2021 and 30.04.2021 were tried to be served upon him and he was requested to join the investigation of the case in the presence of Sarpanch of village Murthal namely Rajbir, but he refused to join the investigation and also refused to sign the notices and

thereafter, the said notice was got signed from Sarpanch of village Murthal namely Rajbir. In this regard, said Rajbir son of Gaje Singh, Sarpanch of village Murthal, District Sonipat was also joined in the investigation and his statement was also recorded, wherein, he stated that on 28.04.2021 and 30.04.2021, police officials approached the complainant Dharam Singh to join him in the investigation of the case and requested him to produce the evidence pertaining to the instant case and also requested him to sign the notice for joining the investigation, but he refused to sign the notice in his presence and thereafter, the police officials orally asked him to appear in Police Station Mohana, Sonipat on 30.04.2021 and 01.05.2021 and the produce the evidence relating to the instant case by joining investigation. However, till today, petitioner Dharam Singh has not put in appearance in the police station to join the investigation of the case. The true translated of statement of Sarpanch namely Rajbir is annexed herewith as Annexure-R1.

4. That on 30.04.2021, said Pale Ram was joined in the investigation this case and his statement was also recorded, wherein he stated that about 9/10 months he had got recorded his statement before Head Constable Balganand, Police Station Mohana does not want to make any statement afresh. The true translated copy of statement of said Pale Ram son of Shri Banwari Lal, resident of village Guhna, Sopnipat is annexed herewith as Annexure-R2.

5. That in view of the above mentioned facts, it is submitted that in compliance of the order of the Hon'ble High Court, sincere efforts have been made to join the petitioner in the investigation of this case by serving three notices in this regard. but he refused to join the investigation and to produce any evidence. Another witness namely Pale Ram also stated that he has already made his statement before Head Constable Balganand on 12.06.2020 and besides that statement, he does not want to make any other statement afresh.”

It has been contended by the learned State counsel on

instructions from HC Balganand, that the petitioner was sent repeated notices to join investigation and to handover whatever evidences that he wishes to rely upon, however, despite such notices, he refused to join investigation. It is further contended that even a final report under Section 173 Cr.P.C. has already been filed on 16.03.2022 with the Illaqa Magistrate and charge has already been framed.

In view of the above, no further directions arise that may be required to be issued. The conduct of the petitioner itself does not inspire any confidence. Even though, the response had been filed in the month of August, 2021, with a copy to the counsel for the petitioner, however, no counter controverting the aforesaid submissions has also been filed. The position of fact as is reflected in the status report, thus, remains uncontroverted.

Petition stands dismissed at this stage.

(VINOD S. BHARDWAJ)
JUDGE

August 03, 2022

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*