

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

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CRM-M-14246-2021

Date of Decision : **March 10, 2022**

KULWINDER SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Through Video Conferencing

Present : Mr. Dinesh Sharma, Advocate for
Mr. Ravinder Singh, Advocate
for the petitioner.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. seeking appropriate directions to the official respondents to investigate the case bearing FIR No. 180 dated 18.12.2020 under Sections 420, 465, 467, 468, 471, 120-B IPC and Section 61 of the Punjab Excise Act, 1914, Police Station Shambu, District Patiala in free and fair manner by constituting SIT or by some independent agency.

The learned counsel for the petitioner has submitted that the petitioner is the accused in the present case and is seeking independent probe from an independent agency. He referred to the order passed by this Court in the present petition on 19.4.2021 whereby the petitioner was directed to join the investigation by the next date of hearing i.e. 19.5.2021 and then inform the Court in that regard. It was further directed that if the petitioner fails to join the investigation by the next date of hearing then the present petition shall be liable to be dismissed.

Thereafter the present petition was dismissed for non-prosecution on 17.1.2022 but later on the same was restored by this Court vide order dated 14.2.2022.

The learned counsel for the petitioner has submitted that although specific directions were issued by this Court on 19.4.2021 but the petitioner has not joined the investigation. He submitted that the same could not be done due to Covid-19 problem.

On the other hand, Mr. Hittan Nehra, Addl. A.G., Punjab has submitted that since the petitioner has not complied with the order passed by this Court on 19.4.2021, he does not deserve any relief from this Court under Section 482 Cr.P.C.

I have heard the learned counsels for the parties.

Almost eleven months have elapsed since this Court directed the petitioner to join the investigation and only one month's time was granted and it was also directed by this Court that in case he fails to do so then this petition shall be dismissed. The order dated 19.4.2021 is reproduced as under:-

“Case taken up through video conferencing.

Learned counsel for the petitioner states that the petitioner is ready and willing to join the investigation but admittedly he has not done so till now.

The petitioner is directed to join the investigation by the next date of hearing fixed as 19.5.2021 and then inform the Court in that regard.

Learned State counsel is also directed to get necessary instructions in that regard.

If the petitioner fails to join the investigation by the next date of hearing, the present petition shall be liable to be dismissed.”

The argument raised by the learned counsel for the petitioner that he could not join the investigation because of Covid-19 problem is not sustainable in view of the fact that there is nothing on record or any material to show that the petitioner was suffering from the ill-effects of the Covid-19 for the last eleven months. Since this Court had already directed that in case the petitioner fails to join the investigation by the next date of hearing then the present petition shall be dismissed and there is no sufficient material or any justification available with the petitioner as to why he has not joined the investigation, the present petition is, hereby, dismissed.

(JASGURPREET SINGH PURI)
JUDGE

March 10, 2022

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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No