

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-34830-2018 (O&M)
Date of decision: 18.11.2022

VISHVA NATH SHARMA

....Petitioner

Versus

UNION TERRITORY CHANDIGARH AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioner.

Ms. Aditi Sharma, Advocate for
Mr. C.S. Bakshi, Additional P.P., for UT Chandigarh.

AMAN CHAUDHARY. J.

Present petition has been filed under Section 482 CrPC for issuance of direction to respondent Nos.2 and 3 challan be filed after investigation in case bearing FIR No.35 dated 24.03.2018 under Section 379 IPC registered at Police Station North Chandigarh.

Notice of motion in this case was issued on 14.08.2018, pursuant thereto status report dated 14.03.2019 by way of affidavit of Neeraj Sarna, SHO, Police Station Sector 3, Chandigarh has been filed.

Learned counsel representing U.T. Chandigarh, makes a reference to paras 7, 8 and 10 of the reply, which read thus:-

That thereafter, the case file was marked to ASI Dalip Singh and on 07.03.2019, he went to the Central Jail, Ludhiana i.e. the place where the accused was lodged under FIR # 296 dated 25.07.2009 u/s 376 IPC and was released on 19.04.2017. ASI Dalip Singh inspected the visitor record available in the Jail and procured the details of 5 visitors, who visited to see the accused at the Central Jail, details of which are as follows:

<i>Sr. No.</i>	<i>Name</i>	<i>Date of visit</i>
1.	<i>Rajesh Kumar (Brother in law)</i>	<i>24.06.2016</i>
2.	<i>Mukesh Kumar</i>	<i>09.09.2016</i>
3.	<i>Raj Kumari (Aunt)</i>	<i>22.11.2016</i>
4.	<i>Vishva Nath (Advocate)</i>	<i>03.01.2017</i>
5.	<i>Deepak Kumar (Sandhoo)</i>	<i>10.02.2017</i>

8. That ASI Dalip Singh, after getting the information from the Jail, went to Ludhiana to meet the two visitors based in Ludhiana i.e. Raj Kumari & Mukesh Kumar, so that information can be obtained. The said Raj Kumari could not be contacted as the address given by her was incomplete. However, Mukesh Kumar was traced who informed the IO that he was also lodged with the accused in the Central Jail, Ludhiana. However, he was released earlier and when the accused was released from Jail, he came to meet him on 28.08.2017 and requested him to give his SIM card because he has no document to procure a new SIM Card which was given to the accused by the said Mukesh Kumar and the same was returned to him by the accused on 17.11.2017. Thereafter, he never met the accused again.

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10. That the IO went to record the statement of Sheetal on 08.03.2019, who stated that during the period when the accused was lodged in Central Jail, Ludhiana she was residing with her brother. After the release of the accused, they both stayed as Husband-Wife but they behaviour of the husband was not good and he was not concerned about his family, i.e. wife and two children. Therefore, she obtained a decree of divorce and is now happily married to Prince. The accused never came to meet his wife or to see his children and she has no contact with the accused or has no information with regard to his whereabouts.

She, on instruction from SI Suresh Kumar further submits that

untraced report has been filed on 29.03.2022 before the competent Court.

She submits that the present petition has been rendered infructuous and may be disposed of as such.

In view of the above, no further orders are required to be passed in the present case.

Petition is disposed of as having been rendered infructuous.

However, liberty is granted to the petitioner to avail of alternate remedy, available to him, in accordance with law.

(AMAN CHAUDHARY)
JUDGE

November 18, 2022

S.Sharma(syr)

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