

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

234

CRM-M-43899-2017

Date of Decision: 29.11.2022

Sandeep Kumar

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Chanderhas Yadav, Advocate for the petitioner.

Mr. Shashank Kumar Sawan,
Superintendent of Police, Panipat in person and
Mr. Naresh Kumar, Deputy Superintendent of Police, Beri,
in person with
Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing/setting aside the FIR No. 236 dated 08.07.2017 registered under Sections 323/34/452 and 506 IPC at Police Station Beri, District Jhajjar, qua the petitioner only as he has falsely been implicated in the instant case being an Government Employee.

Pursuant to the order dated 05.03.2020, Mr. Shashank Kumar Sawan, the then Superintendent of Police Jhajjar, presently posted as Superintendent of Police, Panipat, is present in Court.

The Officer has been heard at length. He submits that the affidavit dated 31.01.2018 was his first affidavit and was not aware about the legal technicalities. He further assured that he would remain careful in future.

In view of the above explanation and regret expressed by the Officer, no further action is required to be taken. Mr. Shashank Kumar Sawan, the then Superintendent of Police Jhajjar, presently posted as Superintendent of Police, Panipat, is discharged.

In para 4 of status report dated 13.03.2019, already filed by way of affidavit of Sh. Ashok Kumar, Senior Superintendent of Police, Jhajjar, it has been averred that as per the report furnished by Sh. Gaurav Tomar, Team Commander Adjutant 13 SRG NSG, Manesar, it was found that the petitioner got issued the official weapon on 08.07.2017 at 08:10 A.M. And deposit the same at 2:00 P.M. in the Armory Palam Delhi. However, the cyber cell has reported number not activate during requisite period.

Learned counsel for the State on instructions submits that charges have been framed by the trial Court and out of total 10 prosecution witnesses, 3 have already been examined and the next date before the trial Court is 21.04.2023, for recording of evidence of remaining prosecution witnesses.

In view of the above, learned counsel for the petitioner prays for withdrawal of the present petition, with liberty to raise the plea of *alibi* before the trial Court at an appropriate stage.

Dismissed as withdrawn with the liberty as aforesaid.

November 29, 2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No