

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

Crl. Revision No. 1544 of 2022(O&M)

Date of Decision: 28.07.2022

Gopal Krishan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Navin Saini, Advocate
For the petitioner.**

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner challenging order dated 11.07.2022 passed by the Court of Additional Sessions Judge, SAS Nagar, Mohali, whereby the application moved by the petitioner for calling the status report of further investigation and for directing the investigating agency to comply with the provisions of Section 173(8) Cr.P.C., was dismissed.

The counsel for the petitioner submits that the petitioner is an accused in criminal case having FIR No. 293 dated 06.08.2021 under Section 302, 307, 326, 325, 323, 148, 149 and 120-B IPC registered at Police Station City Kharar. The police presented challan against the accused persons including the petitioner. However, prior to that Deputy Superintendent of Police, SAS Nagar further investigated the case and gave report wherein the petitioner was found to be innocent. However, the said report was withheld by the police while presenting the challan. The counsel for petitioner further submits that now when the case has been fixed for framing of charges, the petitioner moved an

application for calling the status report with regard to aforesaid further investigation with further direction to the investigating agency to comply with the provisions of Section 173(8) Cr.P.C. The counsel for the petitioner further submits that the said application was declined by the trial Court vide impugned order dated 11.07.2022. The counsel for the petitioner further submits that the impugned order cannot be sustained in the light of the law laid down by Hon'ble Apex Court in **Manoj & Ors. Vs. State of Madhya Pradesh, Crl. Appeal No. 248-250 decided on 20.05.2022**, wherein it was directed as follows:-

“179 In view of the above discussion, this court holds that the prosecution, in the interests of fairness, should as a matter of rule, in all criminal trials, comply with the above rule, and furnish the list of statements, documents, material objects and exhibits which are not relied upon by the investigating officer. The presiding officers of courts in criminal trials shall ensure compliance with such rules.”

The counsel for the petitioner further submits that even otherwise from the perusal of the impugned order it appears that the same has been passed by the trial Court in a very casual manner and as such requires to be quashed.

I have considered the submissions made by counsel for the petitioner and have gone through the impugned order and the same deserves to be set aside, even without delving into the merits of the case.

From the perusal of the impugned order, it cannot be made out as to whether some bail application has been dismissed or the application in question was dismissed as in the concluding lines of the impugned order the trial Court observed as follows:-

“Although this bail application is being dismissed but it is made clear that none of the observations made by this court would ever influence the decision of the court on merits of the case. Papers be attached with the trial file.”

Further, as per the counsel for the petitioner a direction was sought to the investigating agency to comply with the provisions of Section 173(8) Cr.P.C. However, in the impugned order the trial Court in para No.7 of the impugned order observed as follows:-

“The plea of the accused/ applicant that the status report be brought on the file and compliance under Section 173(D) of the Cr.P.C. should be made by the investigating agency, is having no merits.”

In the light of the above, this Court is of the view that the impugned order was not passed by the Court concerned with proper application of mind, is cryptic and as such cannot be sustained in the eyes of law. Consequently, the present revision petition is allowed and the impugned order is set aside with a direction to the trial Court to reconsider the application moved by the petitioner for calling the status report of further investigation and for directing the investigating agency to comply with the provisions of Section 173(8) Cr.P.C. and decide the same in accordance with law after hearing both the parties. Needful be done by the trial Court within one month of receipt of copy of this order.

28.07.2022

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**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No