

135

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

CRM-M-33177-2022

Date of decision : 29.07.2022

Avtar Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Deepak Arora, Advocate and
Ms. Gurkanwal Kaur, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for issuance of necessary directions to respondent No.2 to issue notice under Section 160 of Cr.P.C. before calling the petitioner to the Police Station for the purpose of any enquiry/investigation in relation to FIR No.52 dated 21.04.2018 under Sections 21/22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Majitha, District Amritsar Rural which has been registered against the brother of the petitioner and petitioner is not an accused in the same.

Learned counsel for the petitioner has submitted that the abovesaid FIR was registered against the brother of the petitioner whereas the petitioner is being repeatedly called in the Police Station without any issuance of notice under Section 160 of Cr.P.C.. It is further submitted that the petitioner is not an accused in the said case and is not an accused in any other case.

Learned counsel for the petitioner has stated that the petitioner would be satisfied at this stage, in case, the present petition is disposed of with

directions to the official respondents to issue notice under Section 160 of Cr.P.C. in case the petitioner is required for the purpose of any enquiry/investigation in the abovesaid FIR.

Notice of motion.

On advance notice, Mr. Sukhbeer Singh, AAG, Punjab, appears and accepts notice on behalf of the respondents and has submitted that in case, the petitioner is not an accused in the abovesaid FIR, then notice under Section 160 of Cr.P.C. in writing would be issued to the petitioner before he is called to the Police Station for the purpose of any enquiry/investigation in the said case.

Keeping in view the abovesaid facts and circumstances of the present case, more so, the fact that it is the case of the petitioner that he is not an accused in the abovesaid FIR nor there is any criminal case pending against him, the present petition is disposed of with directions to the official respondents to issue notice under Section 160 of Cr.P.C. to the petitioner in writing, at least three days in advance, in case, he is required to be called to the Police Station for the purpose of any enquiry/investigation with respect to FIR No.52 dated 21.04.2018.

Nothing stated above shall be construed as an expression of opinion on the merits of the case.

It is made clear that in case, the petitioner is an accused in the abovesaid FIR, then the present order would not ensue any benefit to him.

29.07.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No