

**224 IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-46086-2021

Date of Decision: 28.10.2022

Afsar Hussain and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE NAMIT KUMAR

Present:- Mr. Jagjot Singh, Advocate
for the petitioners.

Mr. Neeraj Poswal, AAG, Haryana.

NAMIT KUMAR, J. (ORAL)

Instant petition has been filed under Section 482 Cr.P.C for issuance of directions to the official respondents for conducting proper investigation in case FIR No.66 dated 19.06.2021 under Sections 148, 149, 323, 427, 506 IPC registered at Police Station Utawar, District Palwal (Annexure P-1) by some senior police official not below the rank of Deputy Superintendent of Police or by constituting a Special Investigating Team outside the jurisdiction of Palwal police.

On issuance of notice of motion, status report has been filed on behalf of respondent-State. Relevant para 4 and 6 of the status report reads as under:-

“4. That during course of further investigation medical documents, investigation reports and X-ray reports etc. of the injured persons were also collected and taken on record. On 5.8.2021, a medical opinion regarding the nature of injuries of injured Afsar Hussain (the present petitioner no.1) was sought, and the medical officer opined the injury as "NOT DANGEROUS TO LIFE". Apart from this, no bone injury (NBI) was found on the injured person. A true typed copy of the medical opinion is attached herewith as

Annexure "R-1" for kind perusal of the Hon'ble Court.

6. That during the further course of investigation, Afsar Hussain (the petitioner no.1), Arjudeen & Aarif were asked to join the investigation through verbal as well as written notices dated 31.8.21, 21.11.21 & 23.11.21 to make their respective statements, however, they did not turn up and on 24.11.2021, Afsar Hussain and Aarif submitted their manuscripted statements to the investigating officer. But Arjudeen still has not turned up to make his statement till date."

Learned State counsel submits that there are total 13 accused and out of them 2 have been arrested and 4 have been granted anticipatory bail. The challan has already been presented in the Court against 6 accused, by making addition of the offence under Section 452 IPC.

Learned counsel for the petitioners has not disputed the factual position.

In view of the stand taken by learned State counsel, the present petition has been rendered infructuous.

Disposed of accordingly.

October 28, 2022
P.Bhatt

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No