

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-12177-2021 (O & M)

Date of decision: 18.04.2023

Ramesh Kumar Behl

... Petitioner

V/s

State of Punjab and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Dinesh Mahajan, Advocate,
for the petitioner.

Ms. Navreet Kaur Barnala, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 Cr.P.C. is for issuance of directions to respondents No.2 and 3 to transfer the investigation of case FIR No.6 dated 06.01.2021 under Sections 384/506 IPC registered at Police Station Civil Line Batala, District Batala to outside Police District Batala and Gurdaspur in view of the allegations levelled against the respondent No.4-SSP, Batala, Police District Batala.

During the course of hearing, on 15.09.2022, the following order was passed in this case:-

“The Counsel for the petitioner submits that SSP, Pathankot while conducting the investigation has not examined the CD attached with the complaint submitted to the police. He contends that without examination of the said CD the investigation cannot be concluded in a fair manner. He further contends as per his information, the SSP, Pathankot has

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submitted a report in this regard to IG, Amritsar Range, who has recommended that a report under Section 173(2) Cr.PC be presented.

The Counsel for the State has admitted the aforesaid facts.

I have heard learned Counsel for both the parties. It would be appropriate if the IG, Amritsar Range first examine the CD Annexure P-7 before formulating an opinion as to whether the report under Section 173(2) Cr.PC is to be presented or not.

List on 28.10.2022.

Till the next date of hearing the presentation of the challan shall remain stayed.

It will be expected that the petitioner/accused will be joined in the investigation by the IG Amritsar Range before he finalizes the opinion as to what action is to be taken”.

In pursuance to the aforementioned order, a reply dated 09/13.02.2023 has been filed by way of affidavit of Mohinish Chawla, IPS, Inspector General of Police, Border Range, Amritsar. A perusal of Para 4 of the aforesaid reply would show that an attempt has been made to side-step the issue regarding the contents of a conversation recorded in a CD wherein there is a conversation between the petitioner and the DSP Investigation and the DSP Investigation is heard stating that the case against the petitioner was false.

Be that as it may, as the investigating agency proposes to file a report under Section 173(2) Cr.P.C., the petitioner wishes to withdraw the present petition with a liberty to file a fresh petition under Section 482

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Cr.P.C. seeking quashing of the FIR if and when a report under Section 173(2) Cr.P.C. is presented.

In view of the above, the present petition is ordered to be dismissed as withdrawn with the aforesaid liberty.

April 18, 2023
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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