

CRWP NO.5206 OF 2023

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP NO.5206 OF 2023(O&M)

Reserved on: 03.08.2023

Date of Decision: 09-08-2023

Roopdarshan Pandey

... Petitioner(s)

Versus

State of Haryana & others

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Petitioner-in-person

Mr. Rajat Gautam, Add.A.G., Haryana.

ANOOP CHITKARA, J.

Fearing for life and liberty at the hands of the police officials, respondents no. 3 & 4, invoking the fundamental right of life guaranteed under Article 21 of the Constitution of India, the petitioner has come up before this Court seeking protection through the State.

2. Given the nature of the order that this Court proposes to pass, neither the response of official respondents nor the issuance of notices to the respondents is required.

3. The petitioner is accused of an offence of cheating with allegations of non-deposit of EPF amount and, as such, is facing trial in an FIR registered way back in 2013. When the matter was listed before the trial Court on 29th November, 2022, the same had to be adjourned due to the non-availability of the documents and the absence of the investigating officer. While adjourning, the concerned trial court took a serious view of the matter and sent a copy of the order to the concerned DCP headquarters to give necessary directions to police officers to comply with the orders. After that, the matter was taken up on 22nd March 2023. Still, the police did not comply with the previous order. On this, the trial court issued a show cause notice under sections 204 and 218 of IPC against respondents 3 & 4 for destroying documents to prevent their production in evidence and for preparing incorrect records with the intent to save a person from punishment first.

4. When the matter was listed on 2nd May, 2023, the SHO appeared and apprised the trial court that they had filed an application under Section 311 of the Code of Criminal Procedure 1973 [CrPC], and the said application was decided on 6th September, 2022. A perusal of the order dated 2nd May, 2023 reveals that the trial Court had directed the prosecution to supply one set of records on the judicial file to the accused (petitioner).

5. The petitioner’s grievance is that the concerned Magistrate did not proceed against the SHO & the Investigating officer as was observed in an order dated 22nd March, 2023, Annexure P2. Further prayer made in the head note of the Writ petition as well as prayer clause is that by not complying with its directions passed on 29-11-2022 (Annexure P-1) and 22-03-2023 (Annexure P-2) would tend to affect the life and liberty of the petitioner as fair and proper trial was his fundamental right.

REASONING:

6. It was not the petitioner who had initiated such an action, but it was an endeavor on the part of the trial court to expedite the trial. Such action was proposed to ensure that the documents were supplied to the accused. The issue was between the trial court and the violators, and the petitioner/accused had no role whatsoever of the trial court not proceeding further in the show cause notice. The grievance is non-mentioning of anything by the trial court about action which was proposed to have been taken vide order passed on 22nd March 2023 and the trial court directing the investigator to supply the documents to the accused vide order dated 2nd May 2023. The accused has filed the present petition on the grounds that keeping quiet on this aspect affects his life and liberty, hence this protection petition. Thus, the petitioner has no locus to file the present petition. The trial court endeavored to expedite a trial that had been pending for more than a decade. If the accused intended to expedite the trial, he would not have filed this kind of frivolous application in this court. Filing this kind of application by the accused would further delay the trial. In addition, the petitioner does not refer to a single incident, how it affects the life and liberty of the petitioner, or a fair and proper trial. There is nothing for this court to adjudicate, and the petitioner fails to make out any case for issuance of even a notice.

Petition dismissed. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

Aug 09, 2023
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No