

CRM-M-34283-2019

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2023:PHHC:163509

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34283-2019
Date of decision : 03.10.2023

Param Pal Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. K.B.S. Mann, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J.

Present petition has been filed by the petitioner impugning order dated 25.07.2019 passed by Ld. Sessions Judge, Hisar in case FIR No.96 dated 06.05.2019 registered for the offences punishable under Sections 182/195/196/198/469/471/474/120-B of the Indian Penal Code, at Police Station Adampur, District Hisar.

2. On a complaint made by the petitioner an FIR No.59 dated 10.03.2017 was registered for offences punishable under Sections 420/467/468/120-B IPC. Another FIR No.347 dated 10.12.2017 was registered for offences punishable under Sections 120-B, 420, 467, 468, 471 IPC at Police Station Adampur at the behest of Power of Attorney holder of the petitioner namely Mahabir Prashad. However,

the allegations levelled by the petitioner were found to be false which led to registration of FIR No.96 dated 06.05.2019 *ibid* against the petitioner.

3. The petitioner was arrested in FIR No.96 dated 06.05.2019 and produced before the Judicial Magistrate 1st Class, Hisar who declined the prayer made by Police seeking remand of the accused for one day. Prosecution preferred a revision against the order passed by Judicial Magistrate 1st Class, Hisar declining police remand of the petitioner. Vide impugned order dated 25.07.2019 Sessions Court accepted the revision petition and set aside the order passed by JMIC, Hisar. The petitioner was directed to surrender before the Additional Chief Judicial Magistrate, Hisar on 26.07.2019 after withdrawing the case from the Court of JMIC, Hisar and transferring to the said Court i.e. Court of ACJM, Hisar. It was further directed that the transferee Court shall decide the application filed for police remand of the petitioner made by the police afresh.

4. Aggrieved thereof the petitioner preferred present petition. Vide order dated 22.08.2019 arrest of the petitioner was stayed. Vide order dated 10.08.2022 the petitioner was directed to appear before the Investigating Officer on 31.08.2022 and cooperate with the investigation. It has not been denied by Counsel representing the State that the petitioner has joined investigation and there is no allegation of

non-cooperation at the behest of the petitioner.

5. In view of above, this Court finds that once the petitioner has joined investigation and is cooperating with the same it will be in the interest of justice that the order dated 25.07.2019 directing the petitioner to surrender before the Court of Additional Chief Judicial Magistrate, Hisar and further direction to the Trial Court to decide the prayer made by the agency for remand of the petitioner for one day has lost its sting and cannot survive. Resultantly, order dated 25.07.2019 is hereby quashed.

6. The present petition is allowed subject to the condition that the petitioner shall continue to appear before the Investigating Officer/ Trial Court and cooperate in further proceedings/trial.

7. Ordered accordingly.

October 03, 2023
Dpr

(Pankaj Jain)
Judge

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