

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

237

CWP-36094-2019 (O&M).
Date of Decision: 11.04.2023.

Vijay Kumar

.. Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Parvinder Singh, Advocate,
for the petitioner.

Mr. Deepanjay Sharma, DAG, Punjab,
for respondents No.1 to 3.

Ms. Kushandeep Kaur, Advocate, for
Mr. Ankur Mittal, Advocate, for respondent No.4.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition raises a challenge to the order dated 30.09.2019 (Annexure P-1) passed by respondent No.2-the Punjab State Commission for NRIs Chandigarh, which is alleged to have illegally recommended to add the name of the petitioner in FIR No.13 dated 15.06.2019 under Sections 406 and 498-A of the Indian Penal Code, 1860, registered at Police Station NRI, SBS Nagar.

Learned counsel for the petitioner contends that the impugned order was passed by the NRIs Commission exceeding its jurisdiction as a mere recommendatory body. As a matter of fact, the law does not permit the NRIs Commission to issue directions to the Investigating Agency to

conduct investigation or to act in a particular manner. He thus argues that the direction issued by the NRIs Commission to add the petitioner and others as additional accused was beyond jurisdiction.

Learned counsel for the respondents, however, contend that the petitioner has thereafter been summoned as an additional accused by the trial Court in exercise of powers under Section 319 of the Code of Criminal Procedure.

Taking into consideration the subsequent developments, the present petition has been rendered infructuous in so far as the challenge to the order of NRI Commission summoning to implead the petitioner as accused in the aforesaid FIR is concerned. The issue as regards the power of the NRIs Commission to issue any directions to the Investigating Agency is currently only academic.

The present petition is accordingly disposed of as not pressed at this stage while keeping the question of law open.

April 11, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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