

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26015-2019
Date of Decision:12.02.2024

Harphool Singh ...Petitioner
Vs.
State Of Punjab And Others ...Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

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

Mr. I.P.S. Sabherwal, DAG, Punjab.

Mr. Surinder Gaur, Advocate with
Mr. Surinder Garg, Advocate
for respondents No.2 and 3.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has file the present petition under Section 482 Cr.P.C. with a prayer to quash the order dated 05.04.2019 (Anneuxre P-4), passed by the Court of Sub Divisional Judicial Magistrate, Gidderbaha, in case titled as “State Vs. Darshan Singh etc. bearing case No.CHI-91-2016 dated 01.08.2016, whereby an application filed by the present petitioner under Section 173(8) Cr.P.C. to conduct further investigation, has been ordered to be dismissed by making following observations:-

“Present application was filed on 25.04.2018 by complainant through learned APP for the State for giving direction to SHO concerned to conduct further investigation in view of said recording presented by complainant. There is no averment in the present application that new fact has come to knowledge of complainant which has necessitated further investigation. Complainant has alleged that names of Ramandeep Singh alias Ramna, Jalkaran Singh Panch son of Chanan Singh, Baljinder Singh Panch son of Pirthi Singh,

Resham Singh son of Lachman Singh are not cited in the list of witnesses attached with present case. Inquiry in this case was concluded in the year 2015 and complainant made long wait of three years for moving present application. Facts mentioned in the application do not generate necessity for further investigation in this case. Moreover, complainant has appropriate remedy to avail at the time of trial. So, this application is considered as without merits and is dismissed”.

2. During the course of arguments, learned counsel appearing on behalf of respondents No.2 and 3 submits that by way of moving the present application, the petitioner/complainant wanted to bring on record the evidence pertaining to a recorded conversation of Ranjit Singh, Ramandeep Singh @ Ramana and Resham Singh before the Investigating Officer and wanted that a further investigation may be conducted with regard to the said recorded conversation. Learned counsel has further pointed out that the present petitioner/complainant has already entered into a compromise with Ranjit Singh, respondent No.4 and vide the order dated 20.07.2023 passed in CRM-M-39889-2021, FIR in the present case and all consequential proceedings arising therefrom, have been ordered to be quashed qua Ranjit Singh, accused. He further submits that Ramandeep Singh @ Ramana and Resham Singh are not facing the prosecution in the present case. Consequently, the prayer made by the petitioner/complainant is liable to be rejected by this Court.

3. On the other hand, learned counsel for the petitioner submits that the police was bound to investigate the case with regard to the said recorded conversation between Ramandeep Singh @ Ramana and Resham Singh. However, he could not dispute the factual submissions made by the learned counsel appearing respondents No.2 and 3.

4. I have heard learned counsel for the parties and perused the record.

5. I find substance in the submissions made by the learned counsel appearing for respondents No.2 and 3. In the present case, it is apparent that the petitioner/complainant entered into the compromise with Ranjit Singh and Harmeet Singh, respondents No.4 and 5. The petitioner is praying for further investigation with regard to a recorded conversation between Ranjit Singh, respondent No.4, Resham Singh and Ramandeep Singh @ Ramana. However, none of them is facing the prosecution at this moment and the recorded conversation between the said three persons would have no bearing on the facts of the present case. Apart from that, the petitioner has also failed to place on record any material to indicate that the said recorded conversation is required for the effective adjudication of the present case before the trial Court. Thus, finding no merits and the present petition is ordered to be dismissed.

12.02.2024

M.Sikka

**(N.S.SHEKHAWAT)
JUDGE**

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