

(1997) 05 P&H CK 0072

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 22185-M of 1996

Balwinder Singh

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 01-05-1997

Acts Referred:

Citation : (1997) 3 RCR(Criminal) 755

Hon'ble Judges : R.L.Anand, J

Advocate : A.K. Sharma, Kanwaljit Singh, Advocates for appearing Parties

Judgement

R.L. Anand, J.

1. Nobody has given appearance on behalf of respondent No. 1 and respondent No. 4 are proceeded against ex parte as before.

2. Shri Balwinder Singh has filed the present petition under Section 482, Cr.P.C., seeking directions of this Court against respondents No. 2 and 3 by making allegations that in spite of the fact that cognizable offence had been committed by Karnail Singh, Respondent No. 4 and his companions, respondents Nos. 2 and 3 are siding with them, as a result of which the genuine allegations of the petitioner have not been investigated.

3. The prayer of Shri Balwinder Singh petitioner has been opposed by the State on the main ground that the allegations are stale, being of the year 1988, and it is a pressurising tactic on the part of the petitioner when he has filed the present petition seeking directions of this Court.

4. Delay per se has never been considered as fatal in criminal proceedings. What is the effect of delay, that will be seen by the trial Court on merit. At this juncture the concern of this Court is that let the investigation may go on for the offence committed against the petitioner, muchless the cognizable, which cannot die or sink deep into the sea, by any person, howsoever high in position he may be. This Court also does not want to encourage by ordering straightaway

registration of the case against respondent No. 4 and his companions on the simple reason that he approached this Court after considerable delay.

5. Appropriate directions are given to SSP Faridkot (respondent No. 3) to inquire into the allegations of the petitioner as contained in Annexures P6 and P7. If he finds that a cognizable offence is made out against respondent No. 4, he shall not hesitate in ordering the registration of the case against him. The allegations may be inquired into within three months from the receipt of the copy of this order.

6. The petition stands disposed of with the above directions.