

In the High Court of Punjab and Haryana at Chandigarh

CRM No. M-20015 of 2013
Date of decision: 08.01.2015

Kuldeep Singh

.....Petitioner

Versus

Chander Shekhar

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr.Satbir Gill, Advocate,
for the petitioner.
None for the respondent.

SABINA, J.

Petitioner has filed this petition challenging orders dated 22.11.2012 (Annexure P5) and 11.7.2011 (Annexure P4).

Learned counsel for the petitioner has submitted that the Courts below had erred in accepting the cancellation report submitted by the Investigating Officer and rejecting the protest petition filed by the petitioner. In fact, the petitioner had disclosed the name of the accused.

In the present case, FIR No.56 dated 29.2.2008 under Sections 279, 336, 304-A of the Indian Penal Code, 1860 was got registered at Police Station Ellenabad, District Sirsa by the petitioner. At the time of registration of the FIR, petitioner had stated that his father had met with an accident and the offending motor cycle was being driven by an unknown person in a rash and negligent manner.

On account of the injuries suffered by the father of the petitioner, he had later died.

After investigation of the case, police presented the untraced report. The same was challenged by the petitioner by filing the protest petition. In support of his petition, petitioner appeared in the witness box as PW1 and examined Rameshwar son of Ramji Lal as PW2. Trial Court rejected the protest petition filed by the petitioner on the ground that the FIR was registered in February, 2008, whereas, the name of the accused was disclosed by the petitioner in October, 2008.

The delay in disclosing the name of the accused by the petitioner was rightly held fatal by the Courts below. The case of the petitioner was that on 12.10.2008, he was present in Sangwan Chowk, Sirsa and had seen accused on his motor cycle and he had recognised the accused. However, petitioner had failed to disclose the said fact to the Investigating Agency before the presentation of the untraced /cancellation report. Hence, the Courts below had rightly rejected the protest petition. No ground for interference is made out.

Dismissed.

**(SABINA)
JUDGE**

January 08, 2015
arya