

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRR No. 3864 of 2014 (O&M)
Date of Decision: 31.7.2015**

Gurdarshan Singh and another

.....Petitioners

Vs.

State of Punjab & Anr.

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Daldeep Singh, Advocate
for the petitioners.

RAMESHWAR SINGH MALIK J.

CRM-23102 of 2015

Applicant seeks to implead Ashok Kumar son of Suraj
Bhan as party-respondent No.2.

After hearing learned counsel for the applicant, instant
application is allowed. Ashok Kumar is ordered to be impleaded as
party-respondent No.2. Amended memo of parties is also permitted
to be taken on record.

CRM stands disposed of.

CRR No. 3864 of 2014

Present criminal revision petition is directed against the
order dated 7.8.2014 passed by the learned trial court, whereby
cancellation report submitted by the investigating agency, was
accepted by the learned trial court.

Shorn of unnecessary detailed background, it would suffice to notice the basic facts, which are necessary for disposal of the present petition.

An FIR bearing No. 60 dated 10.8.2013 under Section 22 of the Narcotic Drugs and Psychotropic Acts, 1985 ('NDPS Act' for short), was registered at Police Station Bhikhi, District Mansa. Investigation was carried out and thereafter, cancellation report was presented before the learned court of competent jurisdiction. Notice was issued to the complainant, who appeared and supported the story putforth in the FIR. However, learned Judge, Special Court, Mansa, came to the conclusion that cancellation report was well founded. Having found no scope to interfere in the cancellation report, learned trial court accepted the same, while passing the impugned order dated 7.8.2014. Hence this criminal revision petition at the hands of the complainant.

Learned counsel for the petitioner submits that learned trial court misdirected itself and exceeded its jurisdiction, while passing the impugned order. He further submits that in the circumstances of the case, it was not a fit case for acceptance of the cancellation report and the same ought to have been rejected, directing the investigating agency to conduct further investigation. He prays for setting aside the order dated 7.8.2014 passed by the learned trial court, by allowing the present criminal revision petition.

Having heard the learned counsel for the petitioner at considerable length, after careful perusal of the record of case and giving thoughtful consideration to the contentions raised, this Court is

of the considered opinion that instant one has not been found to be a fit case warranting interference at the hands of this Court, while exercising its revisional jurisdiction, which itself is a limited one. To say so, reasons are more than one, which are being recorded hereinafter.

A bare reading of the impugned order would show that cancellation report was prepared by the investigating agency after conducting an effective investigation. It was duly approved by the Senior Superintendent of Police, Mansa, on the basis of the report of investigating agency. Before according his approval to the cancellation report, the Senior Superintendent of Police satisfied himself that no case against the accused was found to be made out. Having said that, this Court feels no hesitation to conclude that the learned trial court committed no error of law, while passing the impugned order and the same deserves to be upheld.

The argument raised by learned counsel for the petitioner that learned trial court exceeded its jurisdiction, while passing the impugned order, has been found without any substance. In fact, it seems that the present petitioners have exceeded their jurisdiction by filing the present petition, they being the police officers. It does not appeal to reason as to why the petitioners were taking this case personally and were intending to make themselves party to the litigation. Once a senior and competent authority has found, on the basis of report submitted by the investigating team, that no case is made out against the accused, petitioners would have no locus standi to pursue the matter any further, by filing the instant petition.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that present petition is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference is made out.

With the observations made above, present petition stands dismissed, however, no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

31.7.2015
Ak Sharma