

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

CRM-M-43498-2016 (O&M)

Date of decision: - 2.8.2017

Subhash Chander

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: - HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: - Mr. D.S. Brar, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Present petition has been filed under Section 482 Cr. P.C. for issuance of direction to respondent No. 2-Senior Superintendent of Police, Sri Muktsar Sahib to submit a final report in case FIR No. 20 dated 22.2.2015, under Sections 18/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

Learned counsel for the petitioner submits that Deputy Superintendent of Police (DSP), Sri Muktsar Sahib has recommended the cancellation report in favour of the petitioner, therefore, respondent No. 2 be directed to submit the report before the trial Court.

Learned State counsel submits that report submitted by DSP, Sri Muktsar Sahib was duly approved by the then Senior Superintendent of Police, Sri Muktsar Sahib. However, in pursuance to the order passed by this Court on 31.1.2017, directing respondent No.2 to look into the matter and file his affidavit

before this Court, it came to notice of respondent No. 2 that petitioner-Subhash Chander is already involved in 12 other criminal cases including the cases under the NDPS Act and therefore, it was found that the inquiry conducted by DSP, Sub Division, Sri Muktsar Sahib, declaring the petitioner as innocent and recommending the discharge is not correct and investigation needs to be conducted by the senior officer.

Reply on behalf of respondents No. 1 to 3 has already been filed by way of affidavit of Senior Superintendent of Police, Sri Muktsar Sahib on 8.2.2017.

In view of the affidavit filed on behalf of respondents No. 1 to 3, no further action is required to be filed in the present petition. As the matter is still pending investigation before the police, this petition is disposed of with liberty to the petitioner to approach this Court again in case any fresh cancellation report is recommended.

Disposed of with liberty aforesaid.

(ARVIND SINGH SANGWAN)
JUDGE

2.8.2017
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No