

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-23099-2012 (O&M)

Date of decision: 05.02.2018.

VINOD KUMAR

..... PETITIONER

V/S

STATE OF PUNJAB AND ORS

..... RESPONDENTS

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

Present: Mr. G.N.Malik, Advocate
for the petitioner.

Mr. Rahul Rathore, DAG, Punjab.

ARVIND SINGH SANGWAN,J.(ORAL)

Prayer in this petition is for issuance of a direction to respondents No. 2 and 3 to hand-over the investigation of FIR No. 95 dated 30.07.2011, under Sections 420/406 IPC and Section 24 of the Immigration Act, 1983, registered at Police Station Phagwara City, District Kapurthala, to some other independent agency.

This petition is pending since 2012 and vide order dated 12.10.2012, the proceedings in pursuance of impugned letter (Annexure P5) were stayed till further orders, and as such, the final report under Section 173 Cr.P.C. could not be submitted before the trial Court.

Counsel for the petitioner submits that on an earlier occasion, Additional Director General of Police, Internal Vigilance Cell-cum-Human Rights, Punjab, Chandigarh, vide its letter dated 25.11.2011, had directed the Senior Superintendent of Police, Kapurthala, that as per the inquiry, nothing was found due against the petitioner regarding money transaction with Kuldeep Singh Dhillon-complainant. He further recommended initiation of departmental proceedings against the officials, who lodged the FIR.

CRM-M-23099-2012 (O&M)

-2-

Again, vide order dated 21.12.2011, Senior Superintendent of Police, Kapurthala, has passed an order initiating the departmental proceedings against officials, who lodged the FIR.

Counsel for the State, on the basis of affidavit filed by AIG, Litigation, Bureau of Investigation, Punjab, Chandigarh, dated 23.08.2016, submits that on the complaint submitted by complainant-Kuldip Singh Dhillon, the Director General of Police, Punjab, has marked the inquiry to SSP, Kapurthala, on 10.02.2012. It is further submitted that as per the inquiry report dated 09.10.2012, conducted by Superintendent of Police, Detective, Kapurthala, it is reported that the offence of cheating and fraud is made out against the petitioner. He further submitted that the challan has already been prepared in this case but the same could not be presented on account of the stay granted by this Court.

After hearing learned counsel for the parties, I deem it appropriate to issue a direction to Senior Superintendent of Police, Kapurthala, to reconsider the matter with respect to granting or not granting approval for submission of the challan before the Court, after considering all the inquiry reports, either in favour of the complainant or in favour of the petitioner, and pass an appropriate order and only, thereafter, submit a report under Section 173 Cr.P.C.

Disposed of.

05.02.2018
smriti

(ARVIND SINGH SANGWAN)
JUDGE