

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-4180-2016(O&M)
Date of Decision: 06.07.2018

Sunil Rana		 Petitioner
	Versus	
State of Punjab		 Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Fateh Saini, Advocate,
for the petitioner.

Mr. A.S. Gill, DAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Through the instant petition, prayer has been made for setting aside order dated 04.12.2015 (Annexure P-3) of learned Judicial Magistrate, Ist Class, Anandpur Sahib, whereby while rejecting the cancellation report, the trial Court submitted final report under Section 173 Cr.P.C.

While relying upon the decisions of this Court in Mahant Satnam Singh Vs. State of Punjab, 2007(3), RCR (Criminal) 436, Shugan Singh Vs. State of Haryana, 2003(1) RCR (Criminal) 211, CWP No.3034 of 2005 (Oasis Distillers Ltd. Vs. State of Haryana & ors.), decided on 11.03.2010, Sarwan Singh & ors. Vs. State of Punjab & anr., 2004(2) RCR (Criminal) 971, and the decisions of Apex Court in M.C. Abraham & anr. Vs. State of Maharashtra & ors., 2003 (1) RCR (Criminal) 452 (SC) and Abhinandan Jha & ors. Vs. Dinesh Mishra, 1968 AIR (SC) 117, learned counsel for the petitioner *inter alia* contends that while rejecting the cancellation report, learned Magistrate has no power to direct the police to submit final report. Learned Magistrate instead of directing the police to submit final report ought to have ordered to reinvestigate the matter.

Learned State counsel has fairly conceded the above submissions of learned counsel for the petitioner.

In view of above, the impugned order dated 04.12.2015 is set aside. Learned Judicial Magistrate, Ist Class, Anandpur Sahib, is directed to pass a fresh order ordering the police to reinvestigate the matter.

Disposed of accordingly.

06.07.2018
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(RAMENDRA JAIN)
JUDGE