

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

CRM-M-43652-2018 (O&M)

Date of Decision:-4.10.2018

HC Shamsheer Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Baldev Singh Sodhi, Advocate for the petitioner.

GURVINDER SINGH GILL, J.(Oral)

By way of filing this petition, the petitioner seeks issuance of directions to learned Judicial Magistrate 1st Class, Moga for passing appropriate orders at the earliest on the “untraced report” filed in respect of FIR No.177 dated 24.7.2006 registered under Sections 341, 506 and 120-B of Indian Penal Code, 1860 at Police Station Dharamkot, District Moga, Punjab.

Initially the complainant Sandeep Kumar had lodged FIR No.85 dated 24.5.2006 under Sections 392, 341, 506 and 34 of Indian Penal Code, 1860 and Sections 25 of Arms Act at Police Station Moga against the petitioner Head Constable Shamsheer Singh and one Constable Harbhajan Singh alleging therein that the said two persons had given him beatings and snatched his mobile phone.

Subsequently, another FIR was lodged by the complainant i.e. FIR No.177 dated 24.7.2006 registered under Sections 341, 506 and 120-B of Indian Penal Code, 1860 at Police Station Dharamkot, District Moga,

Punjab alleging therein that on 20.7.2006 at about 8.00 PM when he was going from Dharamkot to Moga, then he was waylaid by four unidentified persons, who had come in a white coloured Maruti Car and who threatened him to withdraw his case lest he would be killed.

The aforesaid matter pertaining to FIR No.177 dated 24.7.2006 was investigated by the police and an “untraced report” was submitted on 9.12.2008, which was returned by the learned Judicial Magistrate 1st Class, Moga with directions to conduct further investigation in the matter vide order dated 20.12.2008. Subsequently, after conducting further investigation, another “untraced report” was submitted on 23.2.2018, which is stated to be still pending in the Court of learned Judicial Magistrate 1st Class, Moga.

The learned counsel for the petitioner has submitted that infact the complainant had lodged false cases against the petitioner as would be evident from the fact that the petitioner already stands acquitted in a case arising out of FIR No.85 dated 24.5.2006. A prayer has thus been made to direct the learned Judicial Magistrate 1st Class, Moga to pass appropriate orders on the “untraced report” at the earliest.

Having heard the learned counsel for the petitioner, I find that it is a case where the police itself took a decade to conduct “further investigation” after directions for the same had been issued by learned Judicial Magistrate 1st Class, Moga on 20.12.2008. It is only on 23.2.2018 that a fresh “untraced report” has been filed. The aforesaid delay can not be attributed to the Court of Judicial Magistrate 1st Class, Moga. In these circumstances, this Court does not find any occasion to issue any directions to the learned Judicial Magistrate 1st Class, Moga, at this Stage. The petition, as such, is dismissed.

Needless to mention the learned Judicial Magistrate 1st Class,
Moga shall proceed to dispose of the “untraced report” in accordance with
law.

4.10.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No