

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH**CRM-M-45862-2017****Date of decision : 29.1.2018**

Kulwant Singh and another

... Petitioners

VERSUS

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRIPresent: Mr. S.S.Rangi, Advocate,
for the petitioners.

RAJ SHEKHAR ATTRI, J.(Oral)

Smt. Charanjit Kaur was married with Maninder Pal Singh @ Makhan. She had given birth to a girl child. She was residing with her husband. Unfortunately, she had gone missing on 14.1.2008. Thereafter, she never returned. Ultimately, FIR No.348 dated 23.9.2008 under Sections 302, 201, 34 IPC was registered against the petitioner and other persons at Police Station Tripuri, Patiala.

However, the police conducted investigation and submitted a cancellation report before the area Magistrate. However, the said cancellation report was returned with a direction for investigation vide order dated 25.1.2012.

After return of the cancellation report, a fresh investigation was started but again second cancellation report was submitted on 29.10.2014. This was kept pending till 17.8.2017. However, in the interregnum, more than 25 adjournments were given. Ultimately, following order was passed on 17.8.2017 :-

“Present : APP for the State.
None for the complainant.

Complainant not come present. Perusal of the file reveals that complainant is not appearing in the present case and report has come that he has gone to Canada. In view of the circumstances, the present cancellation report is returned to the quarter concerned to be presented before the court along with the complainant. Judicial papers be consigned to the record room.”

It seems that the learned Magistrate failed to comply with the provisions of law. There is no law that the police must produce the complainant along with the cancellation report, as such, impugned order dated 17.8.2017 is set aside.

This petition is disposed of with a direction to the learned Magistrate to act in accordance with law and dispose of the cancellation report within one month from the date of receipt of a certified copy of this order.

January 29, 2018

Paritosh Kumar

**(RAJ SHEKHAR ATTRI)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No