

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

CRM-M-15714 of 2017 (O & M)

Date of Decision:-06.02.2020

Kuldeep Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Jasinder Singh Thind, Advocate
for the petitioner.

Mr. A.P.S. Gill, DAG, Punjab.

JASGURPREET SINGH PURI J.(Oral)

The present petition has been filed under Section 482 Cr.P.C. for issuance of directions to the official respondents to conduct the proper investigation in case FIR No.134 dated 26.11.2016, under Sections 307, 34 IPC and Section 25 of the Arms Act, registered at Police Station Lopoke, District Amritsar Rural.

Learned counsel for the petitioner has been vehemently argued that in the present case the police has not investigated the case properly and the investigation done was in an unfair manner. He has even pointed out the report (Annexure P-3) to contend that there has been malafide exercise of powers by the police authority. He has further contended that during the pendency of the petition when after the notice was issued, the police has

now filed a cancellation report before the competent Court, which according to him was a malafide exercise of powers.

Learned State counsel on instructions from Mr. Gurpartap Singh Sahota, Deputy Superintendent of Police, Attari, who is present in Court, states that a specific status report by way of affidavit of Vikram Jeet Duggal, Senior Superintendent of Police, Amritsar-rural on behalf of respondents No.1 to 3 has been filed in the Court, in which it has been stated that the cancellation report has already been filed on 20.1.2020 before the Court of learned Judicial Magistrate 1st Class, Ajnala and the case further fixed for 29.1.2020. He has further submitted that the remedy available to the petitioner in this case would be to file a protest petition, if so desired and if so advised and has submitted that in view of the cancellation report being filed before the competent Court, the present petition has become infructuous.

To a query put to learned State counsel that why there has been delay of two years in filing the cancellation report, learned State counsel on instructions states that it was mistake on the part of the concerned Investigating Officer and for that purpose they have already initiated disciplinary proceedings against the concerned police official.

I have heard learned counsel for the parties and gone through the records.

In the present case, the prayer which has been made by the petitioner is for seeking direction to conduct a proper investigation in the FIR in question. Now since the specific stand has been taken by the State that the investigation is complete in this case and cancellation report has

been filed, the proper remedy for the petitioner would be to file a protest petition, if so desired and if so advised. So far as the subject matter of the present petition is concerned, it pertains only for seeking direction for proper investigation and that investigation has already been completed and therefore, the present petition has become infructuous.

In view of the above, the present petition is dismissed as having become infructuous.

February 06, 2020
Vijay Asija

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No