

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

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**CRM-M-17214-2020
Decided on : 28.08.2020**

Harchand Singh

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Ranjit Saini, Advocate, for the petitioner.

Mr.Rana Harjasdeep Singh, DAG, Punjab.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Petitioner, in a petition filed under Section 482 Cr.P.C., seeks issuance of directions to respondents No.2 & 3 to issue police clearance certificate as the same is stated to be needed by the petitioner for getting the status of permanent resident of Canada, which has been withheld for lack of certificate and since the petitioner want to go abroad to meet his son.

The delay in the issuance of the necessary certificate was on account of the fact that FIR No.105 dated 02.09.2016 has been lodged against the petitioner by Paramjit Singh under Sections 406, 420 IPC at Police Station Khamanon, Tehsil Khamanon, District Fatehgarh Sahib (Annexure P-1). The matter was enquired into and it was found that the petitioner had not committed any offence and the cancellation report had been filed with the SDJM, Khamanon on 28.10.2016.

However, on account of the fact that complainant had not agreed to the cancellation report, the matter had been sent back to the police for further investigation. Again a cancellation report had been prepared and sent which was objected to by the complainant who had filed a protest petition. The said protest petition was ordered to be treated as a complaint and was given number bearing COMI No.03/2019, filing No.234 of 2019 and the said complaint is still pending. Vide order dated 16.01.2019, the case was adjourned for preliminary evidence of the complainant.

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Counsel for the petitioner has pointed out from various zimni orders passed thereafter to show that the preliminary evidence of the complainant was not present and it was only on 02.09.2019 two complainant witnesses were examined namely Gurdev Singh and Paramjit Singh. Vide order dated 25.02.2020, the case was adjourned for remaining preliminary evidence for 18.04.2020 and thereafter it was adjourned due to COVID situation to 15.05.2020. It is thus apparent that cognizance has not been taken by the Magistrate also.

Keeping these facts in mind, on 21.08.2020, State Counsel had sought time to seek instructions as to why the police clearance certificate to the limited effect was not liable to be issued showing pendency of the complaint and the exoneration at the hands of the official respondents. State Counsel, on instructions from ASI-Avtar Ali submits that the necessary certificate shall be issued to the petitioner.

Accordingly, the present petition is disposed of with the above-said assurance. Let needful be done within a period of 2 months from the receipt of a certified copy of this order.

AUGUST 28, 2020
sailesh

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No