

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

CWP-8990-2020
Date of Decision:-15.10.2020

Pooja Likhi

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Atul Goyal, Advocate for the petitioner.

Mr. Navdeep Chhabra, DAG, Punjab.

SANJAY KUMAR, J. (Oral)

The prayer of the petitioner in this case is to direct the police authorities of the State of Punjab to issue her a Police Clearance Certificate. According to the petition averments, the petitioner was chosen for award of Canadian residency in a lottery. She is however required to submit a Police Clearance Certificate for that purpose. Significantly, FIR No.38 dated 11.07.2012 was registered on the file of Police Station PAU, Ludhiana, under Sections 420 and 120-B IPC and Section 76 of Chit Funds Act, 1978, against the petitioner and her family members. However, a pCancellation Report was prepared, under Section 173 Cr.P.C., on 08.05.2014 but it appears to have been presented before the learned Judicial Magistrate First Class,, Ludhiana, only on 15.08.2020. The pendency of this case is stated to be the reason why the Police Clearance Certificate is not being issued to the petitioner.

Mr. Atul Goyal, learned counsel, would place reliance on the decisions of this Court in *CWP-565-2017*, titled 'Kanwaljit Singh Swani Vs. SSP U.T. Chandigarh and others', decided on 27.02.2017, and *CRM-M-4232-2019*, titled 'Gurpreet Kaur Dhaliwal Vs. State of Punjab and others', decided on 13.03.2019, in support of his contention that pendency of the cancellation report before the learned jurisdictional Magistrate would not be reason enough to withhold issuance of a Police Clearance Certificate.

Mr. Navdeep Chhabra, learned Deputy Advocate General, Punjab, does not dispute the fact that cognizance has not been taken by the Court in relation to the subject FIR, in which the cancellation report is pending consideration. Therefore, as on date, the petitioner cannot be said to be the accused in any pending criminal case. The judgments referred to *supra* also held to this effect. That being so, no grounds are made out for withholding the petitioner's Police Clearance Certificate. Pendency of the cancellation report does not bar the police from issuing the certificate as prayed for by the petitioner.

The writ petition is accordingly allowed directing the respondents to issue the requisite Police Clearance Certificate, after due verification but without reference to the pending Cancellation Report dated 08.05.2014 in FIR No.38 dated 11.07.2012 on the file of Police Station PAU, Ludhiana.

No order as to costs.

(SANJAY KUMAR)
JUDGE

October 15, 2020.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.