

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

Sr. No.116

CRM-M-45854 of 2021

Date of Decision: 22.11.2021

Ragbir Singh

.... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. Ramandeep, Advocate for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab.

SANT PARKASH, J. (ORAL)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.0260 dated 19.12.2017, registered under Sections 304-A, 279 and 427 IPC at Police Station Bhawanigarh, District Sangrur and all subsequent proceedings arising therefrom in view of the cancellation report submitted before trial Court.

The allegation against the petitioner as levelled by the complainant is that he was driving his truck in a rash and negligent manner and hit the car of complainant's brother, resulting into the death of complainant's brother.

In compliance of order dated 02.11.2021, status report by way of an affidavit of Deputy Superintendent of Police, Circle Bhawanigarh, District Sangrur has been filed whereby it has been submitted that during investigation it was found that there was no rash and negligent act on the part of petitioner and with regard to the same, cancellation report was

prepared on 29.01.2018, which was to be submitted before learned Illaqa Magistrate after obtaining due approval from the office of Senior Superintendent of Police, Sangrur. After the cancellation report having been prepared, the file of present case was handed over to ASI Harmek Singh from ASI Narinder Singh, who went to Sangrur Court complex but his vehicle containing the above said file as well as some other files, got stolen from the said Court complex. After having recovered the said vehicle of ASI Harmek Singh and on interrogation, it came to light that the accused had destroyed the case files lying in the said vehicle. Therefore, after reconstruction of the instant case file, the cancellation report will be submitted before learned Illaqa Magistrate, in order to dispose of the instant case against the petitioner.

In view of the above, the petition is disposed of with a direction to the respondent State to take immediate steps for filing the cancellation report as submitted in the reply, within a period of two months from the date of receipt of a copy of this order.

It is further desirable that after submission of the said cancellation report, the Court of learned Illaqa Magistrate shall take the decision in accordance with law, within a reasonable time.

**(SANT PARKASH)
JUDGE**

22.11.2021
Maninder

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No