

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

228/2

CRM-M-12020-2022 (O&M)

Date of decision: 08.12.2022

SUNDER BHARDWAJ

....Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioner.

Ms. Aditi Girdhar, AAG Haryana.

Mr. Ashish Sanghi, Advocate
for respondent No.7.

AMAN CHAUDHARY. J.

Present petition has been filed for quashing of impugned proceedings, cancellation report dated 07.01.2022, Annexure P-9 and also the order of learned ACJM, Palwal dated 12.01.2022, Annexure P-10 accepting the cancellation report despite the fact that the matter is pending in the High Court.

Notice of motion in this case was issued on 23.03.2022, pursuant thereto status report dated 13.05.2022 by way of affidavit of Yashpal Singh, HPS, Deputy Superintendent of Palwal, District Palwal has been filed. Learned State counsel makes a reference to para 8 thereof, wherein it has been stated that SIT was constituted and after investigation it was found that the matter is of civil nature. In para 10 and 11 it has been mentioned that cancellation report was submitted after constituting second SIT which also had concurred with the previous report that upon due inquiry having been conducted and cancellation report was presented, which was accepted vide order dated 12.01.2022. Para 8, 10 and 11 read thus:-

“8. That on basis of the documents and other evidence collected during investigation, Inspector Jitender Singh, Crime Branch, did not find commission of any offence; rather he found it a matter of some personal money transaction. Therefore, he recommended for a closure in the case.

xxxx

10. That thereafter the said SIT was again reconstituted by the Superintendent of Police, Palwal vide order no. 4981-R/SP dated 29.12.2021 under the chairmanship of Sh. Satyander Kumar, HPS, DSP, Palwal with Inspector/SHO Udai Bhan, P.S City, Palwal & In-Charge CIA, Palwal as members. The said SIT on basis of the Deeds, enquiry report, all the documents produced before the Hon'ble High Court, earlier enquiry reports, banks details and records, the statements of witnesses and earlier investigation done by Inspector Jitender Singh, found that no crime of embezzlement of money have taken place. The said SIT did not find any substance in the allegations and found the same to be untrue. Therefore, a cancellation report has been recorded in the case on 4.1.2022.

11. That the cancellation report has been submitted in the Learned Court of Illaka Magistrate, Palwal and the same has been accepted vide order dated 12.1.2022. A copy of the order dated 12.1.2022 is attached herewith as Annexure "R-1" for kind perusal of this Hon'ble Court.”

In view of the aforesaid, learned State counsel submits that the present petition has been rendered infructuous and may be disposed of as such.

In view of the above, no further orders are required to be passed in the present case.

Petition is disposed of as having been rendered infructuous.

However, liberty is granted to the petitioner to avail of alternate remedy, available to him, in accordance with law.

(AMAN CHAUDHARY)
JUDGE

December 08, 2022

S.Sharma(syr)

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>