

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-15377-2022 (O&M)
Date of Decision:- 27.4.2022

Sandeep Singh ... Petitioner

Versus

State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amandeep Singh Jawandha, Advocate,
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

The petitioner seeks quashing of FIR No. 212, dated 5.11.2019, Police Station Sadar Nabha, District Patiala, under Section 188 IPC, which was lodged against the petitioner in respect of burning of stubble in the fields owned by the petitioner.

Status report by way of affidavit of Sh. Rajesh Kumar Chibber, Deputy Superintendent of Police, Circle Nabha, District Patiala has been filed. The same is taken on record.

Learned counsel for the petitioner submits that infact a large number of cases were lodged in the entire State of Punjab in respect of stubble burning, but subsequently the Government had taken a decision for withdrawal of all such cases. It has further been submitted that as a matter of fact thousands of such like identical cases have already been withdrawn, but somehow due to some miscommunication the present case is still pending.

I have considered aforesaid submissions addressed before this Court.

A perusal of the status report filed by the State would show that the State is not disputing that some decisions regarding cancellation of such like cases had actually been taken as is referred to in Annexure P-7 and P-8. Para No.8 of the status report reads as follows:

“8. That since, a letter (Annexure P-8) issued by the Principal Secretary, Department of Home Affair and Justice to the then Director General of Police, Punjab to withdraw the cases registered against the farmers for stubble burning etc. Hence, in view of that letters, further proceedings will be initiated in accordance with law as per the provisions laid down under section 321 Cr.P.C. In view of the facts and circumstances detailed as above, the present petition may kindly be disposed of in accordance with law.”

Since no formal application has been filed till date on behalf of the prosecution for withdrawal of the case in hand, this Court certainly cannot direct the State to file any such application. However, in view of the totality of facts and circumstances of the case, the trial Court would be

expected to take a lenient view in the matter having regard to the nature of offence and the fact that some decision had been taken by the Government of Punjab.

The petition stands disposed of accordingly.

27.4.2022

mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No