

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

**CRM-M-18000-2022
Date of decision: 02.05.2022**

Bikramjit Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Malhar Singh Dhami, Advocate
for the petitioners.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for issuance of directions to the official respondents to submit the report under Section 173 Cr.P.C. as a cancellation report has already been prepared as noticed in the order dated 23.04.2018 (Annexure P-5) passed by this Court in CRM-M-20276-2017. The order reads as under:

“Pursuant to order dated 01.06.2017, short reply by way of affidavit of Sh. Rajinder Kumar Sharma, PPS, Deputy Superintendent of Police, District Hoshiarpur has been filed in the Court today and the same is taken on record.

According to this affidavit, cancellation report has already been filed and the same is awaiting approval by the trial Court. The relief sought has been granted and, therefore, the present petition has been rendered infructuous.

Disposed of as having become rendered infructuous.”

Learned counsel for the petitioners further submits that after the

cancellation report was submitted before the Illaqua Magistrate, the further investigation was ordered, despite the fact that the complainant has died and there was no legal representative present in India, therefore, the cancellation report should have been accepted.

Notice of motion.

Mr. Joginder Pal Ratra, DAG, Punjab, who is also appearing through video conferencing, accepts notice on behalf of the respondent-State and submits that upon further investigation, second cancellation report was submitted.

A perusal of the record shows that first cancellation report was submitted under the signature of Superintendent of Police (Detective), Hoshiarpur on 07.10.2010 and it appears that thereafter, the successive cancellation report was submitted in terms of order passed by the trial Court for further investigation as noticed in the aforesaid order dated 23.04.2018.

Since it is admitted fact that cancellation report is pending adjudication before the Illaqua Magistrate, the Illaqua Magistrate is directed to decide the same within a period of 02 months from today.

In case, no legal representative of the complainant is available, the cancellation report will be accepted with liberty to revive the same in case any of the legal representatives, who are residing abroad, comes and approach the Illaqua Magistrate for the same.

Disposed of.

02.05.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No