

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

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**CRM-M-18403-2022
Date of Decision: 25.05.2022**

HARDEEP SINGH AND ORS.

.....PETITIONERS

Versus

STATE OF PUNJAB AND ORS.

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. Jatin Bansal Kotshamir, Advocate
with Ms.B.Prabha Bansal, Advocate
for the petitioners.

Mr. Harpreet Singh Multani, Asstt. Advocate Genl., Punjab

SURESHWAR THAKUR, J. (ORAL)

1. The petitioners were an accused in FIR No. 71 of 18.07.1999, registered at Police Station Banur, wherein, offences under Sections 452, 323, 427, 380, 506, 34 IPC, became constituted.

2. After completion of investigations of the petition FIR, the investigating officer concerned, as appears from a reading of Annexure P-3, proceeded to institute a cancellation report, on the basis of a compromise drawn amongst accused, and, the victim concerned, and, the above cancellation report led the learned trial Judge concerned, to make its acceptance, and, when obviously thereupon, the petition FIR suffers its termination.

3. The author of Annexure P-3, is the Head Clerk of Police Station Banur, and, Annexure P-3 have been drawn on 09.12.2021.

4. Though, the petitioner No. 1 could have made a valid dependence upon the above, for the purpose of his antecedents, being may

be made favourably qua him, by the police agencies, for thereupons his securing from the Government of India, the applied for passport, for enabling his travelling to a foreign land, but as evident from a reading of order dated 02.05.2022, order whereof extracted hereafter :-

“ Learned counsel for the petitioners submits that as per judgment dated 13.03.2004, petitioner No.1 stands acquitted in FIR No.71 dated 18.07.1999 under Sections 452, 323, 427, 380, 506, 34 IPC, Police Station Banur. It is further submitted that though he has applied for certified copy of the judgment in the record room, however, the same has not been supplied on the premise that file is missing.

Learned State counsel submits that as per web portal, the petitioner has to submit the certified copy of judgment of acquittal to the SSP, Mohali and the same is to be uploaded on the website and till date, he has not supplied the judgment.

List again on 25.05.2022.

In the meantime, Chief Judicial Magistrate, Patiala is directed to look into the matter and direct the concerned officials of the record room to locate the file and to supply certified copy of the judgment.”

5. The web portal concerned does not upload the passport application concerned, unless the certified copy of the verdict of acquittal becomes purveyed to the Senior Superintendent of Police, Mohali.

6. Since the certified copy of the verdict of acquittal, as, made on 13.03.2004, upon the petitioners, becomes revealed in Annexure P-3, to be not available on the records of the learned Chief Judicial Magistrate, Patiala, thereupon the latter is directed to make a report to the Senior Superintendent of Patiala, whether, it has been destroyed after the expiry of the requisite period of its preservation, and, if it is not reflected in the records of the court concerned, to be not destroyed, to make all the efforts to trace it, and, if it is yet not traceable, draw appropriate proceedings in accordance with law, against the errant officials working in the record room concerned.

7. The above intimation be conveyed within a week to the Senior Superintendent of Police, Mohali, and, thereupon the latter may proceed to, unless validly contradicted, hence make dependences upon Annexure P-3, for an appropriate order being made, qua the antecedents of the present petitioners, and, thereafter he shall also make forthwith communications to passport office concerned.

8. Disposed of accordingly.

9. All the above exercises, at the instance of all concerned, excepting the Regional Passport Office concerned, be positively completed within three weeks from today.

(SURESHWAR THAKUR)
JUDGE

25.05.2022
kavneet singh

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