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

**CRM-M-21667-2022 (O&M)
Date of Decision: 14.12.2022**

NEERAJ JINDAL

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Ms. Ruchi Jindal, Advocate for
Mr. Vishal Garg, Advocate
for the petitioner.

Mr. Vijay Sharma, Addl. AG, Haryana.

HARSH BUNGER, J. (Oral)

The instant petition has been filed under Section 482 of the Cr.P.C. for quashing the FIR No.0211 dated 28.05.2018 under Sections 186, 353, 188, 148 and 149 IPC registered at Police Station City, Barnala (Annexure P-1) on the basis of enquiry (Annexure P-5) conducted by Superintendent of Police, Barnala.

Status report by way of affidavit of Gurbachan Singh, PPS, Deputy Superintendent of Police (NDPS), Barnala, District Barnala has been filed on behalf of respondents No.1 to 3 in the Court today. The same is taken on record, subject to all just exceptions. A copy of the same has been supplied to learned counsel for the petitioner.

A perusal of the said status report would reveal that after the registration of the case, applications were submitted by the petitioner and by one Rakesh Kumar son of Roshan Lal, before the SSP, Barnala, whereupon

the investigation of the case was conducted by Superintendent of Police (Investigation), Barnala and during investigation it was found that petitioner was not present at the spot at the time of alleged occurrence. Accordingly, vide report dated 31.10.2019 Superintendent of Police (Investigation), Barnala had declared the petitioner as innocent.

On the other hand accused-Bhagwan Dass and Rakesh Kumar have joined the investigation. The relevant extract of the report reads as under:-

5. *That after registration of the case on moving of applications by petitioner Neeraj Jindal and Rakesh Kumar son of Roshan Lal, before the SSP, Barnala, the investigation of the case was conducted by Superintendent of Police (Investigation), Barnala and during investigation, it was found that petitioner was not present at the spot at the time of alleged occurrence. So, during investigation of the case, vide his report dated 31.10.2019 SP (Investigation), Barnala, he declared the petitioner to be innocent.*
6. *That said investigation report was approved by the then SSP, Barnala on 04.11.2019.*
7. *That during investigation of the case on 22.09.2022 accused Bhagwan Dass and Rakesh Kumar were joined the investigation, in compliance of order passed by the Ld. Additional Sessions Judge, Barnala. Police is trying to arrest the remaining accused. Investigation of this case is still going on.*
8. *That as petitioner has already been declared to be innocent in the present case, so petitioner has no cause of action to invoke extra ordinary jurisdiction this Hon'ble Court."*

In view of the above-said report, learned counsel for the petitioner does not press the instant petition any further.

In view of the statement made by learned counsel for the petitioner, the present petition is dismissed being not pressed.

14.12.2022

Amandeep

Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No

(HARSH BUNGER)
JUDGE