

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

CRM-M-16809-2019

Date of Decision: 24th August, 2022

Surender Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Vivek Khatri, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

AVNEESH JHINGAN , J.(Oral)

This petition is filed seeking directions for further investigation in FIR No. 19 dated 16.1.2019 under Sections 13 (e) and Section 7 of Prevention of Corruption Act, 1988 and under Sections 167, 218, 323, 330, 465, 471, 504 IPC registered at P.S. City Hisar, District Hisar. Further, prayer is for quashing of impugned orders dated 20.3.2019 Annexures P-9 and P-10 passed by Additional Sessions Judge, Hisar.

Brief facts are that there was an inspection by a Drug Control Officer of a chemist shop run by the petitioner. Some irregularities were found. Reply was filed and his licence was suspended from 10.9.2018 to 19.9.2018. There are allegations that respondent No.8 (Drug Control Officer impleaded by name) demanded illegal gratification.

A complaint under Section 156 (3) Cr.P.C. was filed by the

petitioner. On the directions of the Court, FIR was registered. After investigation, the allegations were found false, cancellation report was prepared and filed. The Court concerned considering the cancellation report, passed the impugned order for initiating proceedings under Section 182 IPC against the petitioner.

Today, learned State Counsel has filed status report by way of affidavit of Ashok Kumar, HPS, Deputy Superintendent of Police, Hisar. The relevant paragraph No. 13 of the reply is reproduced hereinbelow :-

“That the present case is still under investigation. It is pertinent to mention here that the Additional Director General of Police, CID, Haryana vide his office letter No. 10112/Complaint Branch-3, CID Deptt. (H) Panchkula, Dated 24.9.2021 mentioned that the case FIR No. 19 dated 6.1.2019 under Section 167/218/323/330/465/471/504 IPC and P.C. Act registered at P.S. City Hisar and case FIR No. 28 dated 22.1.2019 under Section 323/506 IPC and SC & ST Act registered at P.S. City Hisar were inquired by CM Flying, Haryana. During the enquiry some deficiencies in the investigation were found and for that the matter, require fresh investigation, therefore, the then DSP Law and Order, Hisar Sh. Jogender Sharma, HPS was deputed for conducting the, require fresh investigation, of the cases and to remove the deficiencies in the investigation. Copy of order passed by DIG cum Superintendent of Police, Hisar dated 11.10.2021 is attached Annexure R-1.”

As per the reply filed, the FIR No. 19 dated 16.1.2019 is being investigated by Deputy Superintendent of Police (Law and Order), Hisar.

In view of the above, no further directions are called for so far as the prayer No.1 i.e. seeking directions for fair and proper investigation of the FIR is concerned.

The impugned orders were passed by relying upon the cancellation report filed by the police. As per reply filed, discrepancies were found in the report and fresh enquiry was ordered. In other words, the case is still under investigation. The basis for passing the impugned order, no longer exist, orders cannot be sustained and are set aside.

Petition is disposed of.

(AVNEESH JHINGAN)
JUDGE

24th August, 2022
anuradha

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