

**In the High Court of Punjab and Haryana at Chandigarh**

**CRM-M No. 35116 of 2016**

**Date of Decision: 04.7.2022**

Jagtar Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR**

Present: Mr. L.S.Virk, Advocate for  
Mr. Chandeeep Singh, Advocate  
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. D.S.Gandhi, Advocate  
for respondent No. 6.

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**SURESHWAR THAKUR, J. (ORAL)**

1. Deceased Prabhjit Singh, who was on 7.12.2015, atop his motor cycle, and, is alleged by his wife Amandeep Kaur, arrayed as respondent No. 11 in the present petition, to suffer his demise, in consequence to his accidently falling from the motorcycle, whereons, he at the relevant time, rather was atop.

2. The post-mortem report, appended as Annexure P-1 to the present petition, reveals certain ante-mortem injuries becoming carried on the body of the deceased.

3. Though, the petitioner herein, who is the father of the deceased, appears to permit the consigning to flames, the body of his deceased son, but subsequently, as unveiled by Annexure P-2/T, drawn on 8.1.2016, and, addressed to the SSP, Tarn Taran, the petitioner herein alleged, that his

deceased son was murdered by the persons named therein. However, much belatedly therefrom, inasmuch as on 18.3.2016, an FIR with respect to the allegations contained in Annexure P-2/T, became registered at the police station concerned. Though, the investigating officer concerned proceeded to hold investigations into the petition FIR, but he did not either file a cancellation report nor filed an affirmative report under Section 173 Cr.P.C. before the learned Magistrate concerned, but preferred to file an untraced report, only on the premise, that the address of the complainant-petitioner herein could not be discovered.

4. The learned Magistrate concerned on 23.9.2019, drew the hereinafter extracted order:-

*“Untraced report presented today. Notice to complainant be issued for 26.9.2019.”*

5. Subsequently, on 26.9.2019, the learned Magistrate drew the hereinafter extracted order:-

*“Notice issued to the complainant Jagtar Singh son of Chanan Singh received back with the report of Chowkidar of village Dalmeer Kherra, District Fazilka that the complainant Jagtar Singh son of Chanan Singh was earlier residing in the village Dalmeer Kherra but now he is not residing in the village since last 3-4 years when the son of the complainant namely Prabhjit Singh has died in the road accident. It is further report that no one know the new address of the complainant.*

*In view of the statement of Chowkidar and in view of the report on the notice issued to complainant, I am of the view that the new address of the complainant Jagtar Singh son of Chanan Singh is not known to anyone. Therefore, the present untrace report is hereby accepted for the time being. However, the complainant shall at liberty to revive the present case after*

*appearing in the Court. Judicial papers be consigned to the room, after due compliance. Police papers be returned to the concerned headquarter.”*

6. Therefore, since notice has been issued to the complainant by the learned Magistrate concerned, and, was made returnable on 26.9.2019 but since subsequent thereto made zimni orders are not on record rather displaying that yet the complainant is not responding thereto, and, nor divulge that after his responding thereto, he has recorded his appearance before the learned Magistrate concerned, for his ensuring, the revival of the investigations into the petition FIR.

7. Consequently, without commenting upon the merits of the instant petition, the petitioner herein is directed to record his personal appearance before the learned Magistrate concerned, who shall, upon any motion being made by the prosecution or by the petitioner, proceed to, in accordance with law, make an order for the holding of further investigations into the petition FIR, by any investigating officer concerned.

8. The petition is disposed of with the above observations.

**(SURESHWAR THAKUR)**  
**JUDGE**

**July 04, 2022**  
**Gurpreet**

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