

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

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**CRM-M-40863-2017 (O&M)
Date of decision: 09.11.2022**

KULJAS RAI

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioner.

Mr. M.S. Joshi, Additional AG Punjab.

Mr. Bhisham Kumar, Advocate for
Mr. M.K. Dogra, Advocate
for respondent No.9.

AMAN CHAUDHARY. J.

Present petition has been filed under Section 482 CrPC for issuance of directions to respondent No.2 and 3 to conclude the investigation in case arising out of FIR No.50 dated 11.02.2014 under Sections 420, 467, 468, 471 and 120-B of the IPC registered at Police Station Civil Lines, Amritsar and to submit the investigation report under Section 173(8) CrPC against the accused persons (respondent Nos.4 to 9) in the FIR.

Notice of motion in this case was issued on 02.11.2017, pursuant to which status report dated 11.12.2017 by way of affidavit of Surinder Pal, PPS, Assistant Commissioner of Police, North Police Commissionerate, Amritsar was filed. Learned State counsel makes a reference to para 7 to 9, which read thus:-

“7. That thereafter during the course of investigation the accused Ajit Singh Gill and Pavijit Singh Gill were arrested in the present case on 12.03.2015 and challan of this case/FIR

No. 50 dated 11.02.2014 under Section 420,467,468,471,120-B of IPC registered at Police Station Civil Lines, Amritsar City against the accused Ajit Singh Gill and Pavijit Singh Gill has been presented in the court of Ld. Area Magistrate on 08.05.2015, which is now pending for trial in the court of Ms. Gurpreet Kaur Ld. JMIC, Amritsar, in which the accused have been charge sheeted on 03.10.2015, in which two prosecution witnesses have been examined and next date is fixed for 13.12.2017. Applications under Section 319 of Cr.P.C. for summoning of respondent No. 4 to 9 as co-accused in this case has been filed by the prosecution agency on the basis of statement of the complainant-petitioner, which is also pending for consideration before the Ld. trial court. The accused Shashi Rajan has been declared P.O in this case on 28.01.2016 by the court of Sh. Yukti Goyal Ld. Chief Judicial Magistrate, Amritsar.

8. That it is also pertinent to further submit here that the petitioner has filed a criminal complaint under Section 420,467,468,471,120-B of IPC against the respondent No. 4 to 9 and co-accused Ajit Singh and Pavijit Singh on the same set of allegations which have been leveled in the present case/FIR No. 50 dated 11.02.2014 under Section 420,467,468,471,120-B of IPC registered at Police Station Civil Lines, Amritsar City. This criminal complaint is also pending for trial in the same court of Ms. Gurpreet Kaur Ld. JMIC, Amritsar and is fixed for hearing on 13.12.2017.

9. That so far as inclusion of the respondents No. 4 to 9 in the present case/FIR No. 50 dated 11.02.2014 under Section 420,467,468,471,120-B of IPC registered at Police Station Civil Lines, Amritsar City as co-accused, it is most respectfully submitted that as on the basis of enquiry conducted by Sh. Harjit Singh Brar, PPS, the then Additional Deputy Commissioner of Police, Special Branch, Amritsar, the

respondent No. 4 to 9 were not found guilty in this case, thus, the petitioner had again submitted application No. 2290 COP dated 18.07.2016 and 563-ADGP dated 19.09.2016 for inclusion of Amritpal Singh and Maninder Singh (respondent No. 4 & 5) as co-accused in this case. These applications were enquired into by Sh. Balkar Singh, PPS, the then Assistant Commissioner of Police, North, Amritsar City from concerned persons and report was obtained from FRRO, Amritsar with regard to visit of the accused Shashi Rajan to abroad. But on the basis of enquiry conducted by the enquiry officer, nothing substantial was found against the respondent No. 4 & 5, hence Sh. Balkar Singh, PPS, Assistant Commissioner of Police, North, Amritsar City had recommended vide his enquiry report dated 07.10.2016 to cosign the applications to office.”

Learned State counsel submits that the petitioner has already availed his remedies by filing an application under Section 319 CrPC as also by filing a private complaint and submits that the present petition has been rendered infructuous.

In view of the aforesaid, no further orders are required to be passed in this case. Accordingly, the present petition is disposed of as having been rendered infructuous.

However, liberty is granted to the petitioner to avail of his alternate remedy, if any, in accordance with law.

(AMAN CHAUDHARY)
JUDGE

November 09, 2022

S.Sharma(syr)

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