

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

CRM-M-24865-2022

Date of Decision:-24.08.2022

Nirbhai Singh & Ors.

.....Petitioners.

Vs.

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Lal Singh Sandhu, Advocate for the Petitioners.

JASJIT SINGH BEDI, J.(ORAL)

The prayer under Section 482 Cr.PC is for quashing of Impugned order dated 12.4.2022 (Annexure P-10) passed by learned JMIC, Samana, District Patiala in case FIR No.241 dated 30.10.2009 under Sections 447, 511, 427, 506, 34 IPC registered at Police Station Patran, District Patiala whereby the cancellation report dated 11.04.2018 has been returned to the concerned quarters for further investigation despite the fact that this Court vide order dated 14.02.2022 passed in CRM-M-4255-2022 had directed the JMIC, Samana to adjudicate upon the cancellation report after giving the legal representatives of the deceased-complainant one final opportunity to appear and oppose the cancellation if they so desire.

This Court on 14.02.2022 passed an order directing the Illaqa Magistrate to adjudicate upon the cancellation report within a period of six weeks from the date of receipt of a certified copy of the order after the Legal

Representatives of the deceased were granted one final opportunity to appear in the cancellation report, if so desired and oppose the same.

In furtherance of the said order, JMIC Samana has vide its order dated 12.04.2022 (P-10) remanded the case back to the concerned quarters for further investigation in view of the discrepancies pointed out by the said Court. The Legal Representatives of the deceased-complainant were served but the report is of refusal.

It may be pertinent to mention here that the FIR pertains to the year 2009 and despite 13 years having elapsed the case is still at the stage of investigation.

In view of the aforesaid facts the investigating agency is directed to conclude the further investigation within a period of four weeks from the date of receipt of a copy of this order. Pursuant to the conclusion of the investigation a report in this regard be submitted to the Magistrate concerned within a period of two weeks who shall within a period of four weeks thereof adjudicate upon the same. Apparently the Legal Representatives of the complainant do not wish to appear in Court to oppose any final report. Therefore, the Trial Court shall once again after giving the said Legal Representatives one final opportunity to oppose the report submitted, proceeded to adjudicate upon the same.

Disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 24, 2022
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>