

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

CRM-M-46927-2017 (O&M)

Date of decision: 29.11.2022

Rajinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Ajay Kaushik, Advocate
for the petitioner.

Mr. P. S. Pandher, AAG, Punjab.

None for respondent Nos. 6 to 10.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for issuance of appropriate directions to respondent Nos. 1 to 5 for fair and impartial investigation in case FIR No. 18 dated 09.04.2017, registered under Sections 419, 420, 465, 467, 468, 471 and 120-B of the IPC at Police Station Sadak, District Faridkot.

This petition is pending since 2017 and as per reply, filed by way of the affidavit of DSP, Sub Division Faridkot, it is stated that in the preliminary enquiry conducted by the Superintendent of Police (H), Faridkot, a fact finding report was prepared, which recommended registration of the FIR, upon which, the aforesaid FIR No. 18 was registered, however, later on, a Commission, constituted by the Govt. of Punjab, has recommended the cancellation of the FIR.

Vide order dated 11.12.2017, the operation of the order passed by the Enquiry Commission was stayed noticing the fact that before registration of the FIR, the opinion of the District Attorney (Legal) was

taken and the Commission has passed the order recommending the cancellation of the FIR without following the proper procedure and affording any opportunity of hearing to the petitioner, who as per learned counsel for the petitioner has died.

After hearing learned counsel for the parties, this Court finds that the Commission has passed said order without affording any opportunity to the petitioner (since deceased), therefore, the same is set aside.

The trial Court is directed to proceed further in accordance with law.

29.11.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No