

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

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**CRM-M-53836-2018
Date of decision: 25.07.2022**

KAUSHAL GUPTA

.....Petitioner

VERSUS

STATE OF PUNJAB AND ORS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Ramandeep Kaur, Advocate for
Mr. Rahul Bhargava, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 *inter alia* for issuance of appropriate and necessary directions to the official respondents to submit the status report with regard to FIR No. 74 dated 29.09.2018 under Sections 420 and 120-B of the Indian Penal Code, 1860 registered at Police Station Division-D, District Amritsar City (Annexure P-1).

2. No sufficient grounds exist for granting the other prayers viz. issuance of direction to protect the life and liberty and/or to hand over the investigation of the case to some other independency agency. The petition is thus be examined with respect to the scope of the sole surviving prayer.

3. A status report dated 02.09.2019 by way of affidavit of Sukhpal Singh, PPS, Assistant Commissioner of Police, Central,

Amritsar has been filed. The relevant extract of the same reads as under:

“3. That it is submitted that after registration, the investigation of the present case/FIR No. 74 dated 29/09/2018, registered under Section 420/120-B IPC, at Police Station D-Division, Amritsar City, was carried out by ASI Manjinder Singh posted at Police Station D Division, Amritsar City. During Investigation, statements under Section 161 Cr.P.C. of the complainant/petitioner Kaushal Gupta and other witnesses produced by the complainant/petitioner were recorded. The record produced by the complainant/petitioner Kaushal Gupta in support of the amount of Rs. 8 lakhs arranged by the complainant/petitioner, which was alleged to be given to the accused by the complainant/petitioner, were taken into police possession.

4. That it is submitted that in compliance with the directions issued by the Hon'ble Supreme Court of India, notice under Section 41-A of Cr.P.C. was issued to the accused on 01/10/2018 for joining investigation of the present case on 04/10/2018, but they did not join the investigation and had approached the court of learned Sessions Judge, Amritsar seeking anticipatory bail in the present case. The bail applications of the accused Varun Mahajan and Arun Mahajan were listed for hearing before the court of learned Additional Sessions Judge, Amritsar, which were dismissed vide order dated 22/10/2018 and 02/11/2018 respectively, passed by the court of learned Additional Sessions Judge, Amritsar. Hence, thereafter, raids were conducted by the Investigating Officer, ASi Manjinder Singh for arrest of the accused. But the could not be traced.

5. That it is submitted that in the meanwhile, an application No. 498-PC-F Dated 06/11/2018 was given by

the accused Varun Mahajan claiming their false implication in the present case/FIR No. 74 Dated 29/09/2018, registered under Section 420/120-B IPC, at Police Station D-Division, Amritsar-City. This application was marked to Sh. Palvinder Singh, PPS, Assistant Commissioner of Police (Investigation), Amritsar City for looking into (verify) investigation of the present case.

6. That it is submitted that enquiry into the aforesaid application has been conducted by Sh. Palvinder Singh, PPS, Assistant Commissioner of Police, (Investigation), Amritsar impartially and fairly by joining all the concerned and their statements have been recorded as well and the documents produced by both the parties have been examined minutely.

*7. That it is humbly submitted that on the basis of enquiry conducted by Sh. Palvinder Singh, PPS, Assistant Commissioner of Police, Investigation, Amritsar, the occurrence of the present case/FIR No. 74 Dated 29/09/2018, registered under Section 420/120-B IPC, at Police Station D-Division, Amritsar-City has not been proved. Thus, the enquiry officer vide his detailed enquiry report dated 19.02.2019 submitted to the Commissioner of Police, Amritsar, recommended for cancellation of the present case, which has been approved by the Commissioner of Police, Amritsar and cancellation report has been prepared on 25.07.2019 in the present case by SHO PS D-Division, Amritsar City, which shall be presented before the Court of Ld. Illaqa Magistrate after completing procedural formalities. The enquiry report is annexed herewith as **Annexure R-1/T** for the knid perusal of this Hon'ble Court.”*

4. Learned counsel for the respondent-State has submitted that the matter was directed a further directed by the Illaqa Magistrate and that consequent thereupon a further investigation had been

conducted. Vide order dated 22.02.2021, the Illaqa Magistrate granted some additional time to the Investigating Agency to complete the investigation of the present case. He on the instructions from ASI Bikram Singh submits that a final report shall be filed with the Illaqa Magistrate within a period of 02 months from today.

5. In view of the above no further grievance of the petitioner survives. The present petition is thus dismissed as not pressed at this stage.

(VINOD S. BHARDWAJ)
JUDGE

JULY 25, 2022

Vishal sharma

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