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

CRM-M-33380-2022

Date of decision:01.08.2022

BALDISH SINGH WADHWA AND OTHERS

...Petitioners

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Neeraj Yadav, Advocate
for the petitioners.

Mr. M.S. Nagra, Asst. A.G. Punjab

SURESHWAR THAKUR, J. (ORAL)

1. FIR No.38 of 18.02.2012 became registered at Police Station Nakodar, District Jalandhar City, constituting therein offences embodied under Sections 452, 323, 148, 149 of IPC.

2. The learned counsel for the petitioners submits that, there is tardiness in the investigations, as underway into the petition FIR, inasmuch as, uptill now neither any closure report has been filed before the jurisdictionally empowered Magistrate nor any affirmative report has been filed. The tardiness, and, the slow pace of investigations, into the petition FIR by the probing agency, does requires its becoming deprecated, as, the tardiness, and, slow pace of investigations, does *prima-facie* raise inferences, of purported ulterior motives, rather weighing with the investigating officer concerned.

3. Since the learned State counsel on instructions given to him, by ASI Sukhwant Singh submits, that very shortly an untraced report would be filed before the jurisdictionally empowered Magistrate. Thereupon, the learned

counsel for the petitioners submits that, he may be permitted to withdraw the instant petition.

4. However, even if the untraced report is filed by the investigating officer concerned, before the jurisdictionally empowered Magistrate yet, it is amplificatory of lack of investigation skills of the probing agency concerned, and, that too more so, with almost 10 years elapsing since the registration of FIR. Therefore, even if it is filed, yet the jurisdictionally empowered Magistrate, does obviously hold statutory leverage to proceed to order for a further investigation(s) into the petition FIR offences.

5.. In consequence, the petition with the above observations is disposed of.

01.08.2022

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(SURESHWAR THAKUR)
JUDGE

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