

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

CRM-M-32502-2019 (O & M)

Date of decision: 24.11.2022

Malkit Singh

...Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- None for the petitioner.

Mr. Pankaj Khullar, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

The present petition has been filed for quashing of the order vide which re-investigation in FIR No.156 dated 09.05.2018, under Section 420 IPC, Police Station Sahnewal, Ludhiana, was ordered.

On 30.10.2019, learned counsel for the petitioner restricted his prayer to seeking a direction to respondents No.1 to 3 to show as to why in the report under Section 173(2) Cr.P.C., respondent No.5 had been shown to be innocent.

In compliance of the order dated 30.10.2019 passed by a Coordinate Bench, reply dated 15.02.2020 by way of affidavit of the Assistant Commissioner of Police (South), Ludhiana, was filed. A relevant extract of the reply would read as under:

“3. In fact, in his complaint, the petitioner had alleged that he had given Rs.1.10 lakh on 06.09.2016 and Rs.1.90 lakh on 28.08.2016 to respondents No.5 and 6. However, during the enquiry, it was revealed that respondent No.5 is working in Punjabi University, Patiala, and on 06.09.2016 respondent No.5 was on his duty at Patiala and on 28.08.2016, respondent No.5

remained in his house. Thus, it transpired that at the time of taking money from the petitioner, respondent No.5 was not present and the petitioner has falsely implicated respondent No.5. However, the said enquiry report of the then ACP-South, Ludhiana, is pending with the senior officers for final approval and on receipt of the said final approval, further appropriate action will be taken. Hence, the present petition is liable to be dismissed on this ground alone.

4. That, however, challan/final report u/S 173 Cr.P.C. against respondent No.6 has been presented on 12.03.2019 and charges have also been framed on 30.09.2019 and now the case is pending in the Court of Ms.Manpreet Kaur, Ld. JMIC, Ludhiana, and is fixed for 07.01.2020.”

In view of the reply filed by the State, no further orders are called for.

Disposed of.

24.11.2022
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No