

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

102

CWP-20282-2019

Date of decision: 16.08.2022

HARPREET SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present:- Mr. Ashok Bhardwaj, Advocate
for the petitioner.

Ms. Sunint Kaur, Asstt. A.G. Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The instant Civil Writ Petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing the action of the respondents No. 1 to 3 vide which fair and independent investigation is not being made in FIR No. 322 dated 30.12.2018 under Sections 353, 186 of the Indian Penal Code and under Section 131, 132, 134, 135 and 135-A of the Representation of People Act, 1951 & 1958 registered against respondent No.4.

Pursuant to the order passed by this Court on 17.01.2020, Status report by way of a affidavit of Dr. Sandeep Kumar Garg, Senior Superintendent of Police, District Sangrur has been filed wherein it has been clarified by the Senior Superintendent of Police that the document Annexure P-5 was erroneous and that the same did not reflect on a correct status. An unqualified apology for the aforesaid mis-statement has also been tendered in the affidavit filed by the Senior

Superintendent of Police.

Today, on resumed hearing, learned State counsel appearing on behalf the State of Punjab has pointed out that an untraced report already stands filed with the Illaqa Magistrate and that the complainant has already expressed the satisfaction to the Investigating conducted by the Investigating Agency with respect to the suspect Kulwinder Singh (Respondent No.4) and had come to a conclusion that aforesaid suspect who was not involved in snatching and forcibly taking away the ballot papers. There is no reason for this Court to come to a conclusion that the Investigating Agency has not conducted the Investigation in a fair and a proper manner. No grounds have been demonstrated as to why the concerned Investigating Agency is not competent to examine the issue especially when they have only filed an untraced report qua the suspect initially nominated in the complaint.

I find no grounds to direct the investigation to be conducted by any other Investigating Agency. The present petition is accordingly dismissed.

(VINOD S. BHARDWAJ)
JUDGE

AUGUST 16, 2022

Vishal sharma

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