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

CRM-M-42817-2021 (O&M)
Date of decision: 31.01.2022

KARANDEEP SINGH AND ANR

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Umang Goyal, Advocate
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

(Through Video Conferencing)

SURESHWAR THAKUR, J. (ORAL)

1. The investigating officer after completing investigations into FIR No. 108 of 11.07.2014, registered under Sections 364, 120-B IPC, and, under Sections 25, 27 Arms Act (Sections 323, 324 IPC added lateron), at Police Station Sadar Ludhiana, District Ludhiana, has, as evident from Annexure P-5, filed a cancellation report before the Court of the learned Judicial Magistrate concerned. The learned Judicial Magistrate concerned, is to make an adjudication, upon the proposal of the investigating officer, as contained in the cancellation report, and, in the process of hers making an adjudication, upon the cancellation report, the presence of the complainant, and, also the necessity of affording of an opportunity of personal hearing, to the complainant, rather is legally imperative.

2. It appears that the learned Judicial Magistrate concerned, could not make an expeditious decision, upon the closure report, as, preferred with respect to FIR (supra), by the investigating officer concerned, and, the reason for the

delay is comprised in the factum of the complainant, being reported to leave her abode, and, thereupon, hers being precluded to her make appearance before the learned Magistrate concerned, hence for hers becoming enabled to make a protest petition against the acceptance of the closure report by the learned Magistrate, or hers making a statement in support of the proposal, as, contained in the cancellation report.

3. Consequently, the learned Judicial Magistrate concerned, is directed to direct the police agencies concerned, to ensure the personal appearance before him, of the complainant, and, thereafter, is directed to make an order in accordance with law, upon the closure report, and/or upon the protest petition, if any, as may become preferred against its acceptance by the complainant. The afore be done within two weeks after the complainant records her personal appearance before her.

4. Disposed of.

5. Pending miscellaneous application(s), if any, stand(s), disposed of.

(SURESHWAR THAKUR)
JUDGE

31.01.2022

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Whether speaking/reasoned:-	Yes/No
<i>Whether reportable:</i>	<i>Yes/No</i>