

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103

CRMs-12737-2021 & 43850-2021 in/&
CRM-M-40283-2020
Date of Decision : 05.01.2022

Aman Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Rishma Verma, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Mr. Preetinder Singh Ahluwalia, Advocate with
Mr. Rohan Garg, Advocate for respondents No.4 and 6.

Harsimran Singh Sethi, J. (Oral)

CRM-12737-2021

The present application has been filed for placing on record a
short reply on behalf of respondents No.4 and 6.

Application is allowed. Reply is taken on record.

CRM-43850-2021

The present application has been filed for preponing the date of
hearing in the main petition, which is fixed for 28.06.2022.

Notice of the application to the counsel opposite.

Mr. Sandeep Singh Deol, DAG, Punjab, and Mr. Preetinder
Singh Ahluwalia, Advocate, who are appearing through video conference,
keeping in view the advance copy of application, accepts notice on behalf of

respondent-State as well as respondents No.4 and 6 respectively and raises no objection for the grant of prayer as made in the application for preponing the date of hearing in the main petition.

Keeping in view the joint request of the parties, the application is allowed. Date of hearing in main petition is preponed from 28.06.2022 to today and the case is taken up for hearing.

CRM-M-40283-2020

In the present petition, the prayer of the petitioner is that an appropriate action as required under law be taken by the Investigating Agency while investigating FIR No.125 dated 21.12.2019 registered under Section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Division No.4, District Jalandhar.

Learned counsel for the petitioner submits that due investigation into the allegations alleged by the petitioner in the present FIR, has not been undertaken by the respondents.

Upon notice of motion, the respondent-State has filed reply wherein it has been mentioned that after the investigation in the present FIR, the Investigating Agency has formed an opinion that the allegations alleged in the FIR are incorrect and a cancellation report is to be submitted with the competent Court of law. Learned State counsel submits that if the cancellation report has not already been submitted, same will be submitted before the competent Court of law within a period of four weeks from today.

Learned counsel for the petitioner submits that the cancellation report is being submitted by the Investigating Agency without appreciating the allegations alleged by the complainant in the FIR for which, due evidence was also submitted. Learned counsel for the petitioner further

submits that keeping in view the fact that the Investigating Agency has already formed an opinion to submit a cancellation report, the petitioner be allowed to withdraw the present petition with liberty to take all the objections regarding the cancellation report before the competent Court of law as and when the same is submitted.

Ordered accordingly.

January 05, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

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