

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

231

**CWP-23259-2021
Date of Decision: 02.09.2022**

KARAMJIT SINGH

... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Puneet Pali, Advocate for
Mr. Mohd. Salim, Advocate
for the petitioner.

Mr. Saurav Verma, Addl. A.G., Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been filed under Articles 226/227 of the Constitution of the India for issuance of a writ in the nature of Mandamus directing the respondents No.1 to 3 to furnish Police Clearance Report with respect to the petitioner in FIR No.166, dated 25.10.2012 under Sections 341, 323, 324, 506, 148 and 149 of the Indian Penal Code, 1860, registered at Police Station Ahmedgarh, District Sangrur (Annexure P-1) on the basis of cancellation report under Section 173 of the Cr.P.C. dated 21.01.2013 (Annexure P-2) submitted by the Police Authority.

Learned counsel for the petitioner contends that investigation in the matter was conducted by the police and after completion of the same, cancellation report has been furnished. He has drawn the attention of the Court to the following paragraphs of the status report filed by way of affidavit of Harvinder Singh, PPS, Deputy Superintendent of Police, Sub Division Ahmedgarh, District Malerkotla:

“6. That on receipt of report, the Station House Officer Police Station Sadar Ahmedgarh also agreed with the report of ASI Gorakh Nath and sent the report to the then Deputy Superintendent of Police Circle Ahmedgarh, and he verified the facts, examined the matter and also agreed with the report and sent the same to Senior Superintendent of Police and accordingly Senior Superintendent of Police Sangrur also approved the report on 16.01.2013

7. That ultimately, the cancellation report in the present FIR was prepared on 21.01.2013 and the same was submitted in the Ld. Illaqa Magistrate and the complainant did not agree with the cancellation report and ultimately the Ld. Court returned the file to the Police Station for re-investigation in the matter.

8. That after re-investigation in the matter, no new evidence came into light, hence the police again recommended cancellation in the FIR and submitted cancellation report before the Ld. Judicial Magistrate Ist Class Malerkotla on 06.08.2021 and then the court sent notice to the complainant for 18.08.2021 As notice was not served upon the complainant and the court further adjourned the matter on 11.09.2021 and notice was sent to complainant and police tried to serve the notice upon the complainant but he was not found available on his address, since he left the rental accommodation, thereafter court adjourned the matter to 28.10.2021, 28.11.2021, 10.12.2021, for service of complainant and now cancellation report is fixed for 03.03.2022 before the Ld. Judicial Magistrate Ist Class Malerkotla, but notice could not be served to complainant, as his whereabouts is not available, due to which cancellation report is lingering on before the Ld. Judicial Magistrate Ist Class Malerkotla

9. That the wife of petitioner namely Surinder Kaur moved CRM-M- 15072 of 2021 before Hon'ble Punjab and Haryana High Court, Chandigarh for cancellation in the FIR and ultimately that writ petition was disposed by Hon'ble Court vide order dated 05.10.2021 while issuing directions to the Ld.

Judicial Magistrate Ist Class to consider and pass appropriate order on the cancellation report that order is already appended with the writ petition as Annexure P-3.”

Learned counsel for the petitioner contends that as per the information available with him, the cancellation report furnished by the police has already been accepted by the Illaqa Magistrate, Malerkotla.

Learned counsel for the State claims ‘no instructions’ in this regard.

However, be that as it may, in view of the categoric stand adopted by the learned counsel for the petitioner, the present petition is disposed of with liberty to the petitioner to approach the concerned police authorities for seeking issuance of police clearance certificate on the strength of acceptance of the cancellation report filed by the police authorities in FIR No.166, dated 25.10.2012 under Sections 341, 323, 324, 506, 148 and 149 of the Indian Penal Code, 1860, registered at Police Station Ahmedgarh, District Sangrur. That in the event of the petitioner submitting proper documents with regard to the above mentioned cancellation report being accepted by the Court concerned, the concerned police authorities are directed to initiate further proceedings towards issuance of police clearance certificate to the petitioner within a time bound manner preferably within a period two months from the date of submission of requisite documents by the petitioner.

Petition stands disposed of accordingly.

02.09.2022
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No