

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

CRM-M-42817-2019

Date of Decision: September 07, 2022

DARSHAN SINGH

....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

....Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Chandan Singh, Advocate &
Mr. Mohabbat Singh, Advocate for
Mr. Baltej Singh Sidhu, Sr. Advocate
for the petitioner.

Mr. Kamalpreet Bawa, AAG, Punjab.

AMAN CHAUDHARY, J.(ORAL)

The present petition has been filed under Section 482 Cr.P.C. for issuance of direction to the respondent to conclude the investigation of FIR No.8 dated 24.01.2018 under Section 420 IPC IPC, registered at Police Station City Muktsar, District Sri Muktsar Sahib.

Notice of motion was issued in this case on 04.10.2019. Senior Superintendent of Police, Amritsar was directed to file affidavit regarding completion of investigation on 06.02.2020 and pursuant thereto reply/status report by way of an affidavit dated 06.01.2021 of D Sudarvizhi, IPS, Senior Superintendent of Police, Sri Muktsar Sahib i.e. respondent No.1 & 2 has been filed in the Court. The relevant paras of status report is reproduced as under:-

“4. That after registration of the FIR, the concerned police initiated the investigation to collect evidence against the accused. In the meanwhile, the accused of the present FIR namely Raj Pal Kaur submitted an application to the

answering respondent no. 2, submitting therein that she and her son namely Swarn Singh are innocent and they have not committed the offence with the complainant. The said application was marked by the answering respondent No.2 to the D.S.P, Sri Muktsar Sahib for verification. The said officer verified the facts of the case to find out the authenticity of the prayer made by the above said Raj Pal Kaur and Swarn Singh. The said officer came to the conclusion that Raj Pal Kaur and Swarn Singh are innocent in the above said FIR and he submitted his report dated 25.09.2019 to the answering respondent No.2 for approval. The answering respondent No.2 perused the report and coincided with the same and thereafter approved it. Hence, the above said Raj Pal Kaur and Swarn Singh were declared innocent in the FIR in question.

- 5. That it is pertinent to mention here that since material evidence was found against the other accused of present FIR namely Shiv Raj Singh and Simarjeet Singh, therefore, the concerned police officials had arrested the accused Simarjeet Singh on 28.06.2019. The efforts were made by the concerned police to arrest the accused Shiv Raj Singh. The concerned police officials initiated P.O proceedings against accused Shiv Raj Singh as he was evading the process of law.*
- 6. That it is pertinent to mention here that the concerned police officials conducted fair investigation in the present FIR after the arrest of the accused Simarjeet Singh in the FIR in question. When sufficient evidence came on record against the accused, the challan was filed before the Ld. Trial Court against the accused Simarjeet Singh on 13.05.2020. Thus, the accused Simarjeet Singh is facing in the court of Ld. JMIC, Sri Muktsar Sahib and the matter is pending before the learned trial court for framing of charge.*
- 7. That it is quite apparent from the above said facts that the concerned police officials have conducted fair investigation in the present FIR and challan has been submitted against the accused Simarjeet Singh before the Ld. Trial Court.*
- 8. That it is pertinent to state here that the concerned police officials are also making efforts to arrest the other accused namely Shiv Raj Singh, however his whereabouts could not be traced despite best efforts made by the concerned police. It is submitted that the concerned police had issued notices dated 16.07.2019 and 18.07.2019 under Section 41 (A) Cr.PC to accused Shiv Raj Singh. Despite this, he did not appear before the concerned police for joining investigation. On this, the concerned police officials moved an application before the Ld. Court to get issued Non bailable warrants of arrest of accused Shiv Raj Singh and thereafter raid was conducted at the house of accused Shiv*

Raj Singh in village Balabgarh on 13.12.2019. On 24.02.2020, 02.09.2020 08.09.2020, 14.10.2020, the concerned police officials again conducted raids at the house of above Shiv Raj Singh in village Balabgarh, however, he could not be arrested as he was not found there. The concerned police officials also conducted raid on 22.10.2020 at the house of accused Shiv Raj Singh situated in Green Avenue, Zirakpur.

10. That the deponent has directed the concerned police officials to ensure that the above accused Shiv Raj Singh be also arrested at the earliest so that he may also be challened in the present FIR to ensure that he should face the trial and be punished by the Ld. Court for commission of cheating with the petitioner.”

In view of the aforesaid fact, learned State counsel submits that the present petition has been rendered infructuous and may be disposed of as such.

Learned counsel for the petitioner submits that the challan has been filed. However, he further submits that he has phone number of the co-accused Shiv Raj Singh, which he will provide to investigating agency by submitting a representation to the concerned Police officer, on so doing the competent authority will look into the matter and take appropriate action.

In view of above, the present petitioner has been disposed of as having been rendered infructuous.

07.09.2022
Sangeeta

(AMAN CHAUDHARY)
JUDGE

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