

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

246

CRM-M-10711-2019

Date of Decision: 24.02.2023

Gajjan Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM:HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. N.K. Manchanda, Advocate for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

ANOOP CHITKARA, J.

Seeking issuance of directions to respondents No.2 & 3 to conduct fair and proper investigation in case FIR No.117 dated 19.05.2017 registered under Sections 307, 324, 323, 148, 149 IPC at Police Station Sadar Ferozepur and further hand over the investigation to crime branch or any independent agency, the petitioner has come up before this Court.

On instructions from the investigating Officer-ASI Balwinder Singh, Counsel for the State submits that they are filing untrace report.

Given the submissions of State counsel, petitioner's counsel submits that he be given ample opportunity to raise all his points before the concerned Court before accepting the untrace report because it is an open and shut case against the petitioner, with liberty to file independent complaint also.

Considering the nature of allegations, before accepting untrace report, the concerned Magistrate shall provide appropriate opportunity to the petitioner and he shall be permitted to raise all points before the concerned Court. It is clarified that in case, the Magistrate proposes to accept the report, the trial Court shall pass reasoned and speaking order. It is further clarified that the parties including the complainant shall not seek unnecessary adjournments.

Petition is disposed of in the terms mentioned above with further liberty to file independent complaint/protest petition, if so advised. Pending applications, if any, stand disposed of.

**(ANOOP CHITKARA)
JUDGE**

24.02.2023

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Whether speaking/reasoned

Yes/no

Whether reportable?

Yes/no