

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

**CWP No.7353 of 2023 (O&M)
Date of Decision:31.10.2023**

Amandeep Kaur ... Petitioner

Versus

The State of Punjab and others ... Respondents

2. CWP No.8124 of 2023 (O&M)

Gurpreet Singh ... Petitioner

Versus

The State of Punjab and others ... Respondents

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sarika Gupta, Advocate
for the petitioner(s) in both the writ petitions.

Mr. Maninder Singh, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. By this common order, both the writ petitions, details of which have been given in the head note, are being disposed of, as the issue involved in the said petitions is similar. However, for the sake of brevity, facts are being culled out from CWP No.7353 of 2023.

2. The petitioner in CWP No.7353 of 2023 has approached this Court for issuance of a writ in the nature of certiorari for quashing of status report No.2022/3558/PCC dated 09.01.2023 (Annexure P-4) vide which respondent No.4 has declined to issue Police Clearance Certificate to her in an illegal and

arbitrary manner, with a further prayer to issue a writ in the nature of mandamus, directing the official respondents to issue Police Clearance Certificate to her.

3. In CWP No.8124 of 2023, vide status report No.2022/3559/PCC dated 09.01.2023 (Annexure P-4), respondent No.4 has declined to issue Police Clearance Certificate to the petitioner therein and therefore, he sought quashing of the same.

4. On 15.03.2021, when petitioner along with her brother Gurpreet Singh (who is petitioner in CWP No.8124 of 2023) was travelling in a hired Maruti Swift Car bearing No.PB-09L-5430 to and fro Banga to Jalandhar, they met with an accident at about 4.15 PM. The said car was being driven by one Amanpreet Singh. The other vehicle, which was involved in the accident, was being driven by Ranjana Devi, who was posted as Station House Officer at Police Station, Phillaur. On the complaint made by Ranjana Devi, FIR No.26 dated 16.03.2021 under Sections 307, 354B, 279, 427, 341, 337, 506/34 IPC was registered at Police Station Banga, SBS Nagar, despite the fact that there was no specific allegation against the petitioner and her brother nor did they have any prior enmity with the complainant-Ranjana Devi. A detailed representation dated 31.03.2021 was submitted by the petitioner and her brother to the Senior Superintendent of Police, SBS Nagar (Nawanshahr) for conducting an enquiry with respect to their false involvement in the said FIR. On the said representation, a detailed enquiry was conducted by the Senior Superintendent of Police, SBS Nagar (Nawanshahr) in which the petitioner and her brother were found innocent. Moreover, a roznamcha entry bearing GO No.035 dated 11.05.2021 was made in the police station corroborating their innocence. The petitioner and her brother had approached this Court in CRM-M No.40307 of 2021 for quashing of the FIR in question, however, during the pendency of the

same, police filed the final report under Section 173 Cr.P.C. wherein the petitioner and her brother were declared innocent and put in column No.2 by the police, thus, the said petition was dismissed as having been rendered infructuous. On 26.12.2022, in order to travel abroad, the petitioner had applied for Police Clearance Certificate at Saanjh Kendra, Banga, which stood rejected vide status report dated 09.01.2023 by respondent No.4. Aggrieved by the same, the petitioner has approached this Court for redressal of her grievance.

5. Learned counsel appearing for the petitioner, *inter alia*, contends that there is no specific allegation against the petitioner nor is there any prior enmity of the petitioner and her brother with the complainant. In fact, the petitioner and her brother had hired a car to travel to and fro Banga to Jalandhar, which met with an accident with another vehicle, which was being driven by the complainant. The complainant being posted as Station House Officer at Police Station Banga falsely implicated the petitioner and her brother in the aforesaid FIR. It is also argued that despite the petitioner and her brother being declared innocent and put in column No.2 of the final report submitted by the police under Section 173 Cr.P.C., respondent No.4 had declined to grant Police Clearance Certificate to the petitioner and her brother in an illegal and arbitrary manner merely on the ground that an FIR stands registered against them, which is under trial. Once the petitioner and her brother have been declared innocent in the FIR in question and no other case is pending against them, respondent No.4 cannot deny her Police Clearance Certificate and such denial would breach the threshold of Article 21 of the Constitution of India.

6. Per contra, learned State counsel appearing for the respondents opposes the issuance of Police Clearance Certificate on the ground that the trial in the aforesaid FIR is pending and one application for summoning the petitioner as

additional accused under Section 319 Cr.P.C. was filed on 21.02.2023, which is still pending consideration before the trial Court and as such, she is not entitled for issuance of Police Clearance Certificate.

7. Having heard the learned counsel for the parties and after perusing the record of the case with their able assistance, this Court finds force in the arguments raised by the counsel appearing for the petitioner(s). Once the investigating officer, after detailed investigation has found the petitioner to be innocent and has chosen not to send her as an accused for trial, respondent No.4 cannot deny her Police Clearance Certificate on the ground of pendency of the aforesaid FIR. The impugned order does not indicate that she was declined Police Clearance Certificate on the ground that an application under Section 319 Cr.P.C. is pending before the trial Court. Moreover, as of today, the petitioner is not involved in any other case nor she has been summoned as an accused in the aforesaid FIR.

8. Keeping in view the aforesaid facts and circumstances of the present case, the status report dated 09.01.2023 (Annexure P-4) is set aside and respondent No.4 to 6 are directed to grant Police Clearance Certificate to the petitioner within a period of two weeks from today in accordance with law.

9. Both the writ petitions stand disposed of in above terms.

(HARPREET SINGH BRAR)
JUDGE

October 31, 2023
Pankaj*

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