

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

224

CRM-M-20789-2021 (O&M)

Date of decision: 25.08.2023

Sarvesh Kumar Jindal

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Vaibhav Sehgal, Advocate for the petitioner.

Mr. HS Sullar, Sr. DAG, Punjab.

AMAN CHAUDHARY, J

1. This petition has been filed for issuance of directions to respondents No.2 and 3 to ensure free, fair and impartial investigation in FIR No.35 dated 30.03.2014 registered under Sections 420, 406 and 120-B IPC at Police Station City Malerkotla, District Sangrur.

2. Notice of motion in this case was issued on 02.07.2021. Learned State counsel refers to reply dated 17.02.2022 filed by way of affidavit of Mandeep Singh PPS, Deputy Superintendent of Police, Sub Division Malerkotla, in particular to para 4 and 5 thereof, which read thus:-

“4. That in compliance with the said order dated 02.07.2015, the case was re-investigated and during re-investigation, no new fact came on file and as such again a cancellation report was submitted in the Court on 09.09.2021 and the Court of Ld. JMIC, Malerkotla has passed the following order dated 09.09.2021:

“Present Sh. Avikash Singh APP for the State.

Challan presented before me being duty magistrate as Ld. Presiding Officer is availing casual leave w.e.f. 08.09.2021 to 10.09.2021. Report of Ahlmad seen. As per report of the Criminal Ahlmad, some papers of the Challan are in torn condition and the same cannot be complied in proper manner. In

view of the report of the concerned Ahlmad, challan is ordered to be returned to the concerned IO with the direction to complete the same in all respect. File be sent to concerned Court.”

5. That after doing the needful, the cancellation report was again presented in the Court of Ld. SDJM, Malerkotla on 25.01.2022 and after taking cognizance, the Ld. Court was pleased to issue the summons to the complainant for 14.02.2022. Now the case is fixed for 14.02.2022 for appearance of the complainant in the Court of Ld. Sub-Divisional Judicial Magistrate, Malerkotla.”

3. In view of the above, no further orders are required to be passed and the present petition is disposed of as having been rendered infructuous with liberty to the petitioner to avail of alternate remedy, if any, available to him in accordance with law.

25.08.2023

ashok

**(AMAN CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No