

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

[123]

CRM-M-23434-2022

Date of Decision: 21.03.2023

MANDEEP SINGH

..... PETITIONER

Versus

STATE OF PUNJAB AND ANOTHER

..... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. C.S. Rana, Advocate for the petitioner.

Mr. Amish Sharma, AAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

The petitioner through instant petition under Section 482 Cr.P.C., is seeking setting aside of order dated 04.05.2022 whereby Judicial Magistrate, First Class, Ludhiana has rejected cancellation report and directed the police authorities to make further investigation.

On 17.01.2023, following order was passed by this Court;

“The petitioner through instant petition under Section 482 Cr.P.C., is seeking setting aside of order dated 04.05.2022 whereby Judicial Magistrate, First Class, Ludhiana has rejected cancellation report and directed the police authorities to make further investigation.

Learned counsel for the petitioner, inter alia submits that an FIR No.116 dated 06.05.2017 (Annexure P-1) under Sections 376, 363, 366, 384 and 120-B of IPC at Police Station Dakha, District Ludhiana Rural came to be registered against the petitioner. The police conducted investigation and filed cancellation report. The victim appeared before the Trial Court and submitted that she has no objection if cancellation report is accepted. In spite of these facts, Trial Court has directed the police authorities to conduct further investigation.

Notice of motion.

Mr. Amish Sharma, AAG, Punjab, who is present in Court on advance notice, accepts notice on behalf of respondent-State and seeks time to file status report.

Adjourned to 24.02.2023.”

Pursuant to the order of this Court dated 17.01.2023, status report by way of an affidavit Jasbinder Singh, PPS, DSP Dakha, District Ludhiana (Rural) filed on behalf of respondent No.1-State, which is taken on record.

Learned State counsel, on instructions from ASI Pritam Masih, has pointed that the second time cancellation report stands presented and now the matter is pending before the trial Court for acceptance of cancellation report.

On being confronted with the aforesaid fact, learned counsel for the petitioner submits that he may be granted liberty to avail remedy as permissible by law, if cancellation report is not accepted by the trial Court.

Disposed of with aforesaid liberty.

(JAGMOHAN BANSAL)
JUDGE

21.03.2023
ANJAL

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>