

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

251

CWP-12817-2019

Date of Decision: 11.01.2023

**KULDEEP SINGH**

... Petitioner

VERSUS

**STATE OF PUNJAB AND OTHERS**

... Respondents

**CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.**

Present: Mr. Ravi Kumar, Advocate for  
Ms. Manmohan Kaur Dhaliwal, Advocate for  
for the petitioner.

Ms. Niharika Sharma, AAG, Punjab.

Mr. J.S. Lalli, Advocate  
for respondents No.4, 5, 8 and 9.

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**VINOD S. BHARDWAJ, J. (ORAL)**

The present petition has been filed under Articles 226/227 of the Constitution of India, 1950 for issuance of a writ in the nature of Certiorari for quashing/setting aside the order dated 07.09.2018 (Annexure P-3) vide which the Investigating Agency had been recommended by the Hon'ble Punjab State Commission for Non-Resident Indians, Chandigarh to file cancellation report in FIR No.45 dated 03.04.2018 under Sections 406, 420 and 120-B of I.P.C. registered at Police Station Dharmkot, District Moga.

Learned counsel for the respondents No.4, 5, 8 and 9, on telephonic instructions from respondent No.8, contends that, in any case, the Investigating Agency has not acted upon the recommendation of the NRI Commissioner and has filed the final report/charge sheet after conclusion of the investigation. The charge sheet has been filed against respondents No.4 to 6, whereas the respondent No.8 has been found innocent and his name has been kept in Column No.2. He further submits that the matter is pending before the trial Court for appropriate proceedings.

Taking into consideration the above facts and subsequent developments that have taken place, the present petition is disposed of with liberty to the parties to raise their respective pleas before the trial Court. The recommendations made by the NRI Commission vide impugned order dated 07.09.2018 (Annexure P-3) shall not be given effect to and shall remain unenforceable. The trial Court shall provide appropriate opportunity of hearing to the respective parties and upon examining the evidence adduced and material produced before it, shall pass a judgment in accordance with law.

Petition stands disposed of accordingly.

**11.01.2023.**  
*Rajender*

**(VINOD S. BHARDWAJ)**  
**JUDGE**

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