

2023:PHHC:120717

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-22412-2019
Date of decision : 11.09.2023

Karam Singh
..... Petitioner
versus
State of Punjab and another
..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Rakesh Kumar, Advocate
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

Mr. Sukhjinder Singh, Advocate
for respondent No.2.

PANKAJ JAIN, J.

1. Status report as well as reply by way of affidavit of Ajay Singh, PPS, Deputy Superintendent of Police, Sri Anadpur Sahib, District Rupnagar on behalf of respondent No.1-State has been filed. The same is taken on record.
2. Prayer in the present petition is for quashing of FIR No.85 dated 29.06.2015, registered for offence punishable under Section 379 of IPC, at Police Station Nurpur Bedi, District Rupnagar.
3. As per the stand taken by the prosecution agency, it has been claimed as under:-

“XX XX XX

6. That it is further submitted that thorough investigation of the case was carried out and during investigation, the witnesses acquainted with the facts and circumstances of the case were examined and their Statements under Section 161 Cr.P.C. were recorded.

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It is further submitted that relevant revenue record of the land in question, was taken on record. The petitioner joined the investigation of the case and during thorough investigation of the case, it was found that 10 poplar trees were cut and removed by the petitioner-Karam Singh from the land of the Zila Parishad, Rupnagar, and two poplar trees were still standing in the land, however, there was no record with the Zila Parishad, Rupnagar, with regard to the planting of these trees in the land and maintenance thereof. It was further revealed during investigation and from the statements of the witnesses, that actually, these 12 trees were planted by the petitioner in the road-berm as the land of the petitioner was adjoining the road-berm and later on, the petitioner-Karam Singh cut and removed 10 trees from the total 12 trees, however, while he was cutting these trees, Kuldip Singh and Mahinder Singh son of Hazara Singh moved a complaint against the petitioner-Karam Singh to the complainant-respondent no.2. It further transpired that the wood of 10 poplar trees was lying in the rest house of Panchyat Samiti, Nurpur Bedi, as the same was confiscated by the Zila Parishad and value (Rs.37572/-) of the said 10 trees was already deposited by the petitioner-Karam Singh, with the office of complainant-respondent no.2.

7. That it is further submitted that from the thorough investigation carried out in the present case, no cogent evidence was found against the petitioner-Karam Singh, therefore, the investigating officer recommended to cancel the FIR and the said recommendation was further endorsed by Station House Officer, police station Nurpur Bedi, and the

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then Deputy Superintendent of Police, Sri Anandpur Sahib, and after taking approval of the then Senior Superintendent of Police, Rupnagar, the cancellation report in the present case has since been presented before the Ld. Illaqa Magistrate, Sri Anandpur Sahib on 01.10.2018. It is further submitted that the said cancellation report was registered as **UCR No.83 of 2018**, before the Ld. Judicial Magistrate Ist Class, Sri Anandpur Sahib and the same is still pending before the Ld. Judicial Magistrate 1st Class, Sri Anandpur Sahib, for 12.09.2023, for consideration.”

- 4. Counsels are *ad idem* that the cancellation report is pending consideration before the concerned Court and the complainant are contesting the same having filed protest petition.
- 5. Counsel for the petitioner however submits that the same is pending consideration since 2018.
- 6. In view of the aforesaid fact, trial Court is directed to take decision on the cancellation report filed by the prosecution expeditiously, preferably, within a period of 03 months, in accordance with law keeping in view the fact that FIR is of the year 2015.
- 7. Disposed off accordingly.

11.09.2023
Dinesh

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable :	No