

2023:PHHC:163558

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

215

**CWP-14733-2019
Date of Decision: 14.12.2023**

HARINDER SINGH DHILLON

... Petitioner

VERSUS

STATE OF PUNJAB

... Respondents

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

Present: None for the petitioner.

Ms. Niharika Sharma, AAG, Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer made in the present petition is for directing respondents No.2 and 3 for issuance of Police Clearance Certificate for the purpose of getting a passport as there is no criminal matter pending against the petitioner.

The petitioner has been proactive in eradication of the menace of drugs and illegal mining around his village and has formed a small group to counter the miscreants and anti-social elements spreading the menace in and around the locality. As a result of this, the petitioner was being constantly pressurized to withdraw himself from such activities, failing which the petitioner was being threatened of false implications. On 04.07.2013, the petitioner was called outside his village by some persons and he was manhandled and a threat was extended to him with dire consequences. Thereafter, a false case bearing FIR No.126 dated 10.07.2013 was registered against the petitioner for commission of offences punishable under Sections

323, 506, 148 and 149 of IPC read with Sections 25 and 27 of the Arms Act, 1959 at Police Station Sadar Jagraon at the behest of the miscreants and anti-social elements. The petitioner and members of his family moved an application to the Senior Superintendent of Police for a fair investigation; and on conclusion of the same, the police deleted offences under Sections 506, 148 and 149 of IPC as well as Sections 25 and 27 of the Arms Act, 1959 and filed an untraced report. So far as offence under Section 323 of IPC is concerned, the same was a non-cognizable offence. The said report was approved by the Senior Superintendent of Police vide order dated 05.03.2016. thereafter, the complainant filed a private complaint titled as 'Avtar Singh Vs. Rajwinder Singh and others' which was tried by the Judicial Magistrate Ist Class concerned and vide judgment dated 02.12.2017, the complaint was also dismissed. Notwithstanding the cancellation of the FIR as well as dismissal of the complaint, when the petitioner applied for Police Clearance Certificate, the same had not been issued to him.

Even though, reply had been filed by the respondents on 08.11.2019, however, they did not dispute the fact that the 'untraced report' was presented in the Court of Illaqa Magistrate on 19.03.2016 and the private complaint filed the complainant Avtar Singh has also been dismissed by the Court. It is submitted that complainant Avtar Singh filed Criminal Revision against the order dated 02.12.2017 passed by the Sub Divisional Judicial Magistrate, Jagraon, which is claimed to be pending before the Addl. Sessions Judge, Ludhiana.

The State Counsel is, however, not in a position to apprise the status of the said Criminal Revision at this juncture.

Be that as it may, this Court has already issued directions to the Police Authorities to issue Police Clearance Certificates in a format in CWP No.19314 of 2020, titled as 'Balwinder Singh Versus Union of India and others' decided on 13.09.2023. Hence, the respondents are directed to consider the claim of the petitioner for issuance of Police Clearance Certificate, if the same is not already issued, in terms of the order/judgment dated 13.09.2023 (supra) and the format approved by this Court.

Petition stands disposed of accordingly.

DECEMBER 14, 2023

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**(VINOD S. BHARDWAJ)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No