

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(201/2)

CRR-4348-2016 (O&M)
DATE OF DECISION:-22.05.2023

Ranjit Singh @ Bittu and Anr.

...Petitioners

vs.

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJAPresent: Mr. G. S. Madaan, Advocate, for
Mr. H. S. Deol, Advocate, for the petitioners.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J.

(1) By way of present criminal revision, challenge has been made to an order dated 01.11.2016 passed by the Judge Special Court, Gurdaspur, whereby, cancellation report submitted by the prosecuting agency pertaining to case FIR No.39 dated 10.06.2015 under Section 21, 61, 85 NDPS Act, registered at P. S. Sekhwan, has been rejected with a further direction issued under Section 173-8 Cr.P.C. for carrying out further investigation. The relevant portion is reproduced hereunder:

“In view of my observations made above, no ground is made out for cancellation of the case and accordingly cancellation report under Section 173(8) Cr.P.C. moved by the police is hereby rejected. Police is directed to further investigate into the matter to establish exact time and manner of recovery and to record fresh statements of witnesses in whose presence recovery was affected or give a clear report that no recovery was affected from accused and false case was planted upon them and then to present fresh report to help the court to reach at just conclusion of the matter. Police papers be returned alongwith a copy of this order for compliance. Judicial papers alongwith a copy of cancellation report be separated and attached with the main file.”

(2) Having argued for some time, learned counsel for the petitioners submits that petitioners do not intend to press this present revision petition, however, prays for issuance of direction to the investigating agency to conclude the further investigation at the earliest considering the fact that FIR in question was registered way back in the year 2015.

(3) In view of the aforesaid, present revision petition is disposed of being not pressed with the direction to the investigating agency to comply with the direction issued vide order dated 01.11.2016 passed by the Judge Special Court, Gurdaspur, as regards further investigation, preferably within a period of 3 months from today.

(4) Disposed of with the aforesaid terms.

22.05.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No