

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

283

CRM-M-35454-2022

Date of Decision : November 08, 2023

KAMALJIT SINGH

-Petitioner

V/S

STATE OF PUNJAB AND ORS.

-Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Rahul Rampal, Advocate
for the petitioner.

Mr. G.S. Sandhu, D.A.G., Punjab.

Mr. R.S. Dadwal, Advocate
for the respondent No.8.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, the petitioner has sought the issuance of directions upon the respondents No.1 to 3, to get an unbiased and impartial investigation, in respect of FIR No.146 dated 30.09.2021, under Section 420, 464, 465, 467, 468, 471, 120-B of the IPC, registered at P.S. Sadar Jagraon, District Ludhiana, conducted from a senior IPS Officer, or, from an independent agency.

2. A Co-ordinate Bench of this Court, while issuing notice on 10.08.2022, had directed the Sr. Superintendent of Police, Ludhiana Rural, to file reply to the petition, on his own affidavit.

3. In compliance of the above made direction, a reply, through affidavit of Harjeet Singh, IPS, Sr. Superintendent of Police, Ludhiana (Rural), was filed before this Court on 04.11.2022.

4. A bare glance at the reply (supra) make revelations that

pursuant to the registration of the FIR (supra), accused Rachandeep Kaur moved an application, on 01.11.2021, before the Sr. Superintendent of Police, Ludhiana (Rural), thereby requesting for re-investigation of the case and cancellation of FIR (supra). Resultantly, the Sr. Superintendent of Police, Ludhiana (Rural), on the recommendation of the S.P. (CAW) Ludhiana (Rural), constituted a S.I.T. consisting of S.P. (CAW) Ludhiana (Rural), D.S.P. Jagraon and S.H.O., P.S. Sadar Jagraon, to conduct inquiry in the matter.

5. The S.I.T. so constituted, after conducting inquiry, submitted its report on 27.11.2021 to the Sr. Superintendent of Police, Ludhiana (Rural), thereby making recommendation qua cancellation of the FIR (supra), for the reason of it being registered on wrong facts. Thereupon, the Sr. Superintendent of Police, Ludhiana (Rural), after making deliberation with S.P. (CAW) Ludhiana (Rural) approved the report (supra) on 09.12.2021 and cancelled the case accordingly.

6. In furtherance of the above, a cancellation report, addressed to the Illaqa Magistrate concerned, was prepared by the Sr. Superintendent of Police (Rural), vide No.495/VRK dated 30.12.2021. However, the cancellation report (supra) could not be presented before the Illaqa Magistrate concerned due to pendency of the instant petition before this Court.

7. The learned counsel for the petitioner submits that earlier this Court had, on 11.11.2021, while adjudicating a petition, i.e. CRM-M-47321-2021, wherein one Sarja Singh sought grant of anticipatory bail, issued specific directions to the investigating officer concerned. However, the said directions were not adhered to, rather the S.I.T. concerned, in a

clandestine manner and without joining the complainant into the investigation, prepared the cancellation report. The relevant directions issued by this Court on 11.11.2021 are extracted hereinafter:-

“The petitioner shall provide the investigating officer the details of the bank account that he subscribes to at least for the last 5 years, after which the investigating officer would, naturally, obtain the admitted signatures of the petitioner as are available with the bank and compare them with those on the instrument conferring him the power of attorney (if at all his signatures are present on the instrument).”

8. Be that as it may, since a cancellation report, as revealed in the reply (supra), has already been prepared, consequent upon approval being accorded to the report (supra) of the S.I.T. upto the level of Sr. Superintendent of Police, Ludhiana (Rural), therefore, a direction is issued to the Sr. Superintendent of Police, Ludhiana (Rural), to submit the said prepared cancellation report, after completion of all legal formalities, before the Illaqa Magistrate concerned. Thereafter, the complainant shall have every right to raise the issue(s), which is raised herein, before this Court.

9. In view of the petitioner being bestowed with an alternative remedy, this Court does not deem it appropriate, at this stage, to any make intervention, as asked for by the petitioner. Therefore, the present petition is dismissed, however, with liberty reserved to the petitioner to access the Id. Illaqa Magistrate/trial Court concerned, through instituting an appropriate motion, at the appropriate stage.

November 08, 2023
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No