

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

CRM-M-35726-2022

Date of decision : 09.05.2023

Balwinder Kaur

.....Petitioner

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Bikramjit Singh Bajwa, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

This petition has been filed for directing respondents No.1 and 2 to carry out free and fair investigation in FIR No.26 dated 02.05.2017, under Sections 307, 506 read with Section 25/54/59 of Arms Act, registered at Police Station Tibber, Tehsil and District Gurdaspur.

It has been contended by counsel for the petitioner that wife of the injured has filed this petition as her husband has been shot by the accused in day-light. It is submitted that despite ample evidence, the investigating agencies are not proceeding with the free and fair investigation in the FIR.

Learned State counsel, on instructions from ASI Mohinder Pal, has submitted before this Court that after investigation, cancellation report was recommended in this case and was presented before the Illaqa Magistrate, Gurdaspur. However, the same was declined by learned Magistrate with directions for further investigation. He submits that after

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further investigation, again cancellation report has been recommended and has been filed before the Magistrate who has taken cognizance of the same after treating it as a challan.

Heard. As the Magistrate has taken cognizance of the offence after treating the second cancellation report filed before it as a challan, so nothing survives in the present petition and the same is disposed of with liberty to the petitioner to avail her remedies as per law before the trial Court.

(RAJESH BHARDWAJ)
JUDGE

09.05.2023
m. sharma

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