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

CRM-M-37209-2023

Date of Decision: 11.08.2023

Sukhman Singh Virk

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Prabhjot Singh, Advocate,
for the petitioner.

Mr. H.S. Sitta, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 482 read with 483 of the Code of Criminal Procedure for directing the learned trial Court i.e. JMIC, Patiala for deciding/passing final order/judgment in case bearing NO.CAN/245/2023 titled as “State of Punjab Vs. Unknown”, on the cancelation reports dated 21.04.2018 (Annexure P-2) and 18.11.2022 (Annexure P-3) filed by the police in FIR No.73, dated 06.04.2018, under Sections 336, 34 IPC and Sections 25, 27, 54, 59 of the Arms Act registered at Civil Lines Patiala.

2. Status report by way of an affidavit of DSP, City-I, Patiala, District Patiala has been filed in Court today which is taken on record. Copy of the same has been supplied to the learned counsel for the petitioner.

3. Learned counsel for the petitioner has submitted that in the present case, the FIR was registered in the year 2018 and the matter was

investigated thoroughly by the police and thereafter, a cancellation report was submitted by the police in the trial Court. Thereafter, the learned Magistrate sent back the case for further investigation and, thereafter, again the police had filed a cancellation report on 18.11.2022 vide Annexure P-3, but till date no action has been taken on the cancellation report even though the matter has been compromised between the parties. He further submitted that the petitioner has now applied for permanent residency in Canada and due to the pendency of the present case against the petitioner, the same cannot be processed. He also submitted that the scope of the present petition is only for seeking direction to the learned Magistrate to decide and to take a final action on the cancellation report in accordance with law.

4. On the other hand, Mr. H. S. Sitta, learned DAG, Punjab while referring to the affidavit filed by the State and while referring to Para Nos.7 & 8 of the affidavit has submitted that the cancellation report was prepared on 21.04.2018 and was presented before the learned Illaqa Magistrate but the learned Illaqa Magistrate had sent it back for further investigation and thereafter, the investigation was conducted and during investigation, no new facts came into light and the Investigating Officer again presented the cancellation report on 18.11.2022 and again presented it before the Illaqa Magistrate.

5. Mr. Rahul Garg, learned counsel for respondent No.2 has stated that respondent No.2 has not filed any protest petition before the learned Illaqa Magistrate till date.

6. I have heard the learned counsel for the parties.

7. The prayer of the petitioner in the present case is that twice the

cancellation report has been submitted before the learned Illaqa Magistrate and now the same is pending before learned Magistrate and have only sought directions that the final action be taken on the cancellation report in accordance with law.

8. After hearing learned counsel for the parties, this Court is of the view that the present petition is disposed of with a direction to the learned trial Court/Illaqa Magistrate to consider the cancellation report, which has been filed by the police on 18.11.2022, strictly in accordance with law and thereupon pass an order strictly in accordance with law as expeditiously as possible.

11.08.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |