

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRWP-10476-2021 (O&M)
Decided on : 26.04.2023

JASWINDER SINGH

. . Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Saqib Ali Khan, Advocate for the petitioners.

Mr. Anmol Singh Sandhu, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Order dated 01.03.2023 passed by this Court, says as under:-

*“Present: Mr. Saqib Ali Khan, Advocate
for the petitioner.*

Mr. Anmol Singh Sandhu, AAG, Punjab.

*Learned counsel for the petitioner submits that local
police of Malerkotla is not conducting fair and impartial
investigation in the DDR No. 23 dated 06.02.2021 under Section
325, 323, 148 and 149 IPC and in FIR No. 173 dated 09.12.2020
under Sections 323, 341, 506, 147 IPC registered at Police Station
City 1 Malerkotla.*

*Learned State counsel files status report by way of
affidavit of Ramji PPS, Deputy Superintendent of Police, Sub
Division Malerkotla, on behalf of respondents No. 1 to 3 and same
is taken on record. Registry is directed to tag the same at
appropriate place.*

*While referring to paragraphs No. 7 to 11 of the status
report, learned State counsel submits that the contention addressed
by the petitioner is factually incorrect.*

Relevant paragraphs No. 7 to 11 says as under:

- “7. That five accused of cross case namely 1. Harmel Singh (complainant of main case), 2. Hameer Singh son of the Surjit Singh, resident of Shekhupur Kalan, District Sangrur, 3. Jaswant Rai son of Parmanand resident of Jujhar Nagar, Malerkotla were arrested on 19.05.2022 and they were released on bail as the offence is bailable. 4. Kulwant Singh son of Surjit Singh resident of Shekhupur Kalan, District Sangrur and 5. Gurpreet Singh son of Narinder Singh resident of Naushera, Malerkotla, were arrested on 19.07.2022 and they were released on bail as the offence is bailable.
8. That no representation dated 25.10.2021, moved by Jagwinder Singh (petitioner) has been received in the office of SSP Malerkotla.
9. That the local police never made any pressure upon the petitioner to compromise the matter or to face dire consequences.
10. That the investigating officer present neither threatened and nor told the petitioner that he has political pressure to compromise the matter. The inquiries on the various applications moved by both the parties have been conducted by the senior officers. Further it is pertinent to mention here that accused of main case and five accused of cross case including respondents no. 5&6 have already been joined the investigation and challan of main case and cross of against all the arrested accused is likely to be presented in the court. The question to implicate the petitioner in false criminal case does not arise at all.
11. That respondent no.4 never harassed or made any pressure upon the petitioner on behalf of respondents no.5 and 6 to compromise the matter, as such the question to face dire Consequence does not arise at all. The representation dated 25.10.2021 moved by the petitioner has not received in the office of SSP Malerkotla till date.”

However, on being asked by the Court, learned State counsel informs the Court that final report under Section 173 Cr. P. C. is yet to be submitted before the Court.

Adjourned to 20.03.2023.”

2 Thereafter, on previous date of hearing i.e. 20.03.2023, present petition was adjourned to enable the prosecution to submit its final report under Section 173 (2) Cr. P.C..

3 Today, though, there is no representation on behalf of the petitioner to apprise the Court about the latest status of investigation, however, learned DAG, Punjab, on instructions from ASI Sube Singh states that during the pendency of the present petition, investigation has been completed and final report under Section 173 (2) Cr. P.C. has also been submitted to the concerned Court. Thus, learned State counsel submits that there is no issue left in the present petition for further consideration, therefore, petition deserves to be disposed of.

4. In view of the aforesaid circumstances that the investigation in the case has already been completed and final report under Section 173 (2) Cr. P.C. against both the sides have already been submitted before the Court and also there is no issue left for further consideration, present petition stands disposed of.

5. However, petitioner would be at liberty to pursue his other remedy available under the law.

6. With the aforesaid observations, present petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

26.04.2023

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Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*

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