

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

235-CRM-M-43508-2022

Date of Decision: 27.04.2023

AMANDEEP SINGH PHUL

... Petitioner

VS.

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Dr. Rau PS Girwar, Advocate for the petitioner

Mr. Mohit Thakur, AAG Punjab

Sandeep Moudgil, J.

The petitioner seeks a direction to respondents No.1 & 2 for taking action on the application filed by the petitioner on 02.09.2022 and to conduct fair investigation in FIR No.1 dated 14.02.2022, under Sections 420/120-B IPC, registered at Police Station NRI, Hoshiarpur.

Learned counsel for the petitioner contends that the application filed by him is not being paid any heed by the official respondents and the same is lying pending for quiet long time.

This Court, on 28.03.2023 called upon the status report from the respondents and in pursuance thereto, affidavit dated 27.04.2023 has been filed by Gurpreet Singh, PPS, DSP, NRI Zone, Jalandhar, which is taken on record. It is averred in paras 4 & 9 of the said affidavit that :-

“4. That it is submitted that on this, DSP NRI Wing, Jalandhar conducted inquiry into the matter in detail and he recommended to register a case against Vijay Kumar and Vinod Kumar Chhiber U/s 420, 120-B IPC at P.S. NRI, Hoshiarpur on 17.01.2022. Afterwards DSP NRI, Sub-Division Jalandhar sent inquiry report through proper channel to ADGP NRI/Women Wings, SAS Nagar. On this, ADGP NRI obtained legal opinion

from District Attorney Legal on 08.02.2022 and he gave opinion that allegations of committing fraud of Rs.17,87,376/- with the complainant on the pretext of sending petitioner and his family members to Canada and getting them PR there, prove. He also gave opinion that offence U/s 420, 120-B IPC is made out against Vinod Kumar Chhiber and Vijay Kumar and a case U/s 420, 120- B IPC is liable to be registered Vinod Kumar Chhiber and Vijay Kumar at P.S. NRI, Hoshiarpur. Afterwards ADGP NRI and Women Wing SAS Nagar approved the inquiry report and directed to register a FIR and to investigate the same as per law on 14.02.2022. Accordingly, FIR No.0001, dated 14-02-2022 U/s 420, 120-B IPC was registered against the accused Vinod Kumar Chhiber and Vijay Kumar.”

xxxx xxxx xxxx

“9. That it is submitted that the accused Vijay Kumar was granted interim bail by this Hon'ble Court on 10.03.2022 and he joined investigation in the present case on 06.04.2022 and the order dated 10.03.2022 passed by this Hon'ble Court was made absolute on 21.02.2023. The accused Vinod Kumar Chibber evaded his arrest in the present case and notice U/s 105-B of Cr.P.C. was sent to the accused Vinod Kumar Chibber who is in Canada for joining investigation in the present case for 01.05.2023. After completion of investigation, qua the accused Vijay Kumar, the challan was presented in the Ld. Trial Court at Hoshiarpur on 24.04.2023. Now the case is pending in the court of Ms. Minakshi Mahajan Ld. JMIC, Hoshiarpur for 08.06.2023 for appearance of the accused Vijay Kumar. The Police of P.S. NRI, Hoshiarpur are conducting investigation qua the accused Vinod Kumar Chibber and after completion of investigation, the supplementary challan of the present case will be presented in the Ld. Trial Court at Hoshiarpur. Due to not joining investigation in the present case by accused Vinod Kumar Chibber, there is a delay in completion of investigation and

presentation of challan of the present case qua the accused Vinod Kumar Chibber.”

Having gone through the reply, learned counsel for the petitioner is satisfied that the challan stands prepared wherein supplementary challan has been sent to the trial court on 24.04.2023 and the case is now fixed for further consideration on charges on 08.06.2023. It is also apparent from the aforesaid affidavit filed by the State today that the investigation qua the accused Vinod Kumar Chibber is also underway and supplementary challan will be filed immediately, once the investigation is complete qua the said accused.

In view of the above, counsel for the petitioner has no grouse left to pursue the instant petition and seeks to withdraw the same.

Prayer allowed.

Dismissed as withdrawn.

27.04.2023
V.Vishal

(Sandeep Moudgil)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No