

2023:PHHC:

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

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CRM-M-45976-2022 (O&M)
Date of decision: 09.10.2023

Prabhjit Singh

....Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Kulwinder Singh, Advocate for the petitioner

Mr. H.S. Sullar, Sr. DAG Punjab

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 482 Cr.P.C. to give a direction for transferring the inquiry to a senior IPS officer in order to conduct a fair and time bound enquiry of the FIR No.0098 dated 20.09.2021, under Sections 419 and 420 IPC, at Police Station Bholath, District Kapurthala.
2. Learned State counsel refers to para 7, 9 and 10 of the short reply filed by way of affidavit of Sukhninder Singh, PPS, Deputy Superintendent of Police, Sub Division Bholath, Kapurthala, which read thus:

“7. That after registration of FIR during investigation it has come on record that Surjit Singh real uncle of petitioner has executed transfer deed of land on 03.04.2012 with respect to land measuring 40 kanal 7 marlas 4 Saksai as Surjit Singh has no child of his own and he also executed Will' in favour of Rajinder Singh and as the land was transferred in the life time of Surjit Singh as such mutation was sanctioned in favour of Rajinder Singh and in the Jamabandi name of father of petitioner is mentioned as Rajinder Singh however when petitioner executed agreement to sell in favour of Prabhjit Singh father name of petitioner has been mentioned as Pritam Singh.

9. That during investigation it further transpired that petitioner has marked his presence before Tehsildar on 15-05-2021. It further transpired that petitioner has not impersonated as wrong person, moreover his real uncle Surjit Singh has adopted him and executed transfer deed of land in dispute and complainant validly entered into agreement to sell with complainant as such

allegations against petitioner were not proved and after taking approval from SSP Kapurthala cancellation report was prepared and presented before concerned Court on 03-08-2022 however same was returned by said Court on 08-08-2022 for re- investigation as petitioner was not agreed with cancellation report.

10.That now after re-investigation allegations levelled by petitioner could not be proved and cancellation report has been prepared again and same is ready to be presented before Ld, Trial Court. Other FIR is registered against petitioner.”

3. Learned State counsel on intructions from ASI Jasbir Singh submits that after the matter was sent back for further investigation, cancellation report has been prepared again after enquiring into the matter and the investigating agency is in the process of filing the same before the Court of competent jurisdiction.
4. Learned counsel for the petitioner prays for withdrawal of the instant petition to avail of alternate remedy available to him, if any, in accordance with law.
5. Ordered accordingly.

(AMAN CHAUDHARY)
JUDGE

October 09, 2023
M.Kamra

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