

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

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**CRWP-11965-2021
Decided on : 13.03.2023**

Jagir Singh

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Inderjit Sharma, Advocate
for the petitioner(s).

Mr. Anmol Singh Sandhu, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

By way of instant petition, petitioner Jagir Singh, aged 65 years, has prayed for issuance of a writ/direction to the respondents to transfer the investigation of FIR No.51, dated 21.03.2021, under Sections 306, 120-B of IPC, registered at Police Station Dinanagar, District Gurdaspur.

After noticing the contention of the petitioner, on 20.12.2021, notice of motion was issued to official respondents No.1 to 5 only. Said order dated 20.12.2021, says as under:-

“The instant petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondents No.1 and 2 to transfer the investigation of FIR No.51 dated 21.03.2021, registered under Sections 306 and 120-B of IPC at Police Station Dinanagar, District Gurdaspur, to the Crime Branch, Punjab or any other independent agency out of the district of Gurdaspur by constituting SIT to conduct free, fair and impartial investigation and to arrest the real culprits and submit challan as

respondents No.3 to 5 are hand in glove with private respondents and to decide the representation dated 24.11.2021 (Annexure P-9) moved by the petitioner in this regard.

Notice of motion for 14.02.2022 restricted to official respondents No.1 to 5 only at this stage.

Mr. Tanvir Joshi, Assistant Advocate General, Punjab accepts notice on behalf of respondents No1 to 5 and seeks time to file reply/status report.

Let the status report be filed by State on or before the next date of hearing.”

Learned counsel for the petitioner submits that during the pendency of present petition before this Court, after completion of investigation, investigating agency submitted the final report/cancellation report before the Court of Area Magistrate, however, said request of the prosecution for cancelling of the FIR, has been rejected.

Learned counsel for the petitioner further submits that after rejecting the request of the prosecuting agency, Ld. Magistrate has taken cognizance against the private respondents, and in this view of the matter, present petition is rendered infructuous, and may be disposed of as such.

In view of the reasons stated herein-above, and recorded by this Court, present petition is ordered to be disposed of being infructuous.

**(SANJAY VASHISTH)
JUDGE**

March 13, 2023

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No