

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

267

CRM-M-44799-2019 (O&M)

Date of decision: 19.07.2023

Balkar Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vivek K. Thakur, Advocate
for the petitioner.

Mr. Vinay Kumar Gupta, AAG, Punjab.

Ms. Ridhi Bansal, Advocate for
Mr. R. Kartikeya, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking quashing of Complaint No.COMI/84/2019 dated 17.07.2019 titled as 'Jagir Singh Vs. Harjagdeep Singh and another' registered under Section 328 of the IPC and for setting aside summoning order dated 19.09.2019 (Annexure P-7) passed by learned Sub Divisional Judicial Magistrate, Bholath and all subsequent proceedings arising therefrom.

2. Learned counsel appearing for the petitioner submits that initially a cancellation report was filed by the investigating agency which was not accepted and instead the Trial Court had directed "re-investigation". Thereafter, yet again a second cancellation report was prepared and submitted before the Trial Court. However, without any decision being taken by the Trial Court on the second cancellation report, a protest petition was filed by the complainant, pursuant to

which the petitioner had now been summoned. He submits that the protest petition could not have been entertained in view of the fact that decision on the second cancellation report submitted by the investigating agency was still pending consideration. Learned counsel has, thus, prayed that in the aforementioned facts and circumstances, the matter be remanded back and the Trial Court concerned be directed to first pass an order on the cancellation report.

3. Learned State counsel assisted by learned counsel for respondent No.2 has not disputed that the second cancellation report is still pending consideration of the Court concerned as neither it has been accepted nor rejected.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. With no objection from the opposite side, and without commenting on the merits of the complaint in question, the matter is remanded back to the Court concerned to first take a decision on the second cancellation report which is still pending its consideration, and thereafter, if required, to proceed with the protest petition filed by the complainant, in accordance with law.

6. The instant petition stands disposed of accordingly.

19.07.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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