

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25772-2019 (O&M)
Date of order: 24.01.2024

Ujjagar Singh
... Petitioner(s)
Versus
State of Punjab & another
...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
Present:- Mr. P.S. Rana, Advocate
for the petitioner(s).
Mr. Ravinder Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
142	21.9.2003	Payal, District Ludhiana	13(2) of the Prevention of Corruption Act, 1988.

1. Seeking quashing of FIR captioned above and for directions to accept the cancellation report dated 23.6.2004 (Annexure P-3) prepared by the concerned SHO in inquiry report dated 29.4.2004 (Annexure P-2), the petitioner, who was a Head Constable, had come up before this Court by filing the present petition under Section 482 CrPC. The petitioner has arraigned the complainant Sumit Kumar @ Sonu as respondent no.2.
2. When the matter was listed on 8.2.2023, a coordinate Bench of this Court was informed that the cancellation report, which was filed, was returned by the Area Magistrate, directing that the same be presented along with the complainant, but the police had no idea about the whereabouts of the complainant. On this, the State was asked to furnish the whereabouts of the complainant on 14.3.2023, but on 14.3.2023, the State again informed the Court that they could not trace the complainant Sumit Kumar and they shall file untraced report. After that, when the matter was listed before this Court, on 26.9.2023, 10.10.2023 and even today, the complainant remained unrepresented.

3. Given the nature of order this Court proposes to pass, the same shall not affect the rights of the complainant.

4. Facts of the case as well as the response of the State are being extracted from the status report/reply dated 10.10.2023 filed by the concerned DSP, which read as under:-

“1. At the very outset it is submitted here that FIR No.142 dated 21/09/2003 u/s 13(2) of the Prevention of Corruption Act 1988 was registered at Police Station Payal, District Ludhiana on the basis of the statement of Sumit Kumar @ Sonu son of Arvind Kumar resident of Shamli, P.S Shamli, District Muzaffarnagar (UP) against Ujjagar Singh, Jagtar Singh and Balvir Singh.

The brief facts of the aforementioned FIR are that the Complainant(Sumit Kumar) is working as conductor of truck bearing registration no. HR-45-4143, which is owned by Deepu Rani and Parmod Kumar both residents of House No. 4005. Old Hamida Nagar, P.S Hamida Nagar (Yamunanagar) Haryana. Whereas, Rakesh Kumar son of Sumedh Singh Pandit resident of P.S Shamli, District Muzaffarnagar (UP) is working as truck driver of the said truck. On 21/09/2023 the complainant along with Rakesh Kumar was going towards Burana (UP) after loading the material in the aforesaid truck from Hoshiarpur and about 12:45 AM, when they had crossed Toll Tax Barrier situated at G.T Road Doraha then the police officials, which were standing near government canter bearing no. PB10-AC- 9365, signaled to stop the truck. The truck was at very low speed and it was stopped on the signal of the police officials, upon which, the police officials came near to the window of the truck and the police officials on pretext of seeing documents of the truck tried to drag the complainant from his collar and demanded a sum Rs.200/- as entry fees. At that time, the aforesaid police officials had given blows and slaps to the complainant. The driver of the truck pleaded before that police officials and asked the complainant to give Rs. 50/- upon which, the complainant took out currency note of Rs.50/- from his pocket and handed over the same to the police officials. However, the police official remained adamant on his demand of Rs.200/- as illegal gratification and due to fear, the complainant gave another currency note of Rs.50/- to that police official and only thereafter, he released the collar of the complainant. Subsequently, the complainant knew about the name of that police officials as Ct Jagtar Singh No. 295/Khanna and the police officials were accompanying Ct Jagtar Singh No.295/Khanna at the time of incident, were HC Ujjagar Singh No.103/Khanna and Ct Balvir Singh No. 506/, who had also abused the complainant and they were looking like under the influence of liquor. In case, the driver of the truck did not rescue the complainant from the aforesaid police officials, they might had given beatings to the complainant and snatched the entire amount from them. In this way, the aforesaid police officials have given beatings to the complainant and have also forcibly took two currency notes of the denomination of Rs. 50/- each from him as illegal gratification and hence, the aforementioned FIR was registered.”

5. It has been mentioned in the reply that the cancellation report was accepted on 21.4.2023 by the learned Sessions Judge concerned *qua* both accused namely HC

Ujagar Singh (petitioner) and Ct.Jagtar Singh, which renders the present petition infructuous.

6. Given above, no further order is required to be passed in the present petition and the same is disposed of. All pending application(s), if any, shall also stand disposed of.

(ANOOP CHITKARA)
JUDGE

January 24, 2024
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No