



**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-19901-2024 (O&M)
Date of Decision:-11.12.2024

Surjit Singh and another ... Petitioners

Versus

State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Manvinder Sindu, Advocate for the petitioners
(appeared through video conferencing).

Mr. Siddharth Attri, AAG, Punjab.

Mr. Sehaj Sandhawalia, Advocate, for respondent No.2.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioners seek quashing of FIR No. 158, dated 15.09.2008, Police Station Zirakpur, District SAS Nagar, under Section 36(1) of the Punjab Apartment and Regulation Property Act, 1995.
2. When the matter was taken up for hearing on 22.11.2024, the following order was passed:

“Reply on behalf of State has already been filed. Learned State counsel while referring to the reply filed by Mr. Jaspinder Singh, Deputy Superintendent of Police, Zirakpur, District SAS Nagar (Mohali) has submitted that upon investigation both the petitioners



were found to be innocent and that while another co-accused Ram Singh had already expired, two other co-accused Devinder Singh and Sukhchain Singh were proclaimed offenders. The relevant extract from the said reply are reproduced herein under:-

- “3. That during investigation of this matter on dated 01.02.2013 it was found that present petitioners Surjit Singh and Harwinder Singh @ Harminder Singh had not sold any plot in the abovesaid colony and they had given the General Power of Attorney in respect of their land measuring 27 Bigha and 8 biswa to Davinder Singh, Sukhchain Singh and Ram Singh who further sold the plots to different buyers. During investigation no evidence of selling any plot in the abovesaid illegal colony was found out against Surjit Singh and Harwinder Singh @ Harminder Singh as such they were exonerated in this FIR. Copy of Case Diary/Zimni dated 01.02.2013 is annexed herewith as Annexure R-1/1.
4. That during investigation of the present FIR Davinder Singh and Sukhchain Singh were declared as proclaimed offenders by the court of Judicial Magistrate First Class, Dera Bassi vide order dated 09.09.2014 and both are still at large.”

Learned counsel for the petitioners has however, expressed that on account of the pendency of the instant FIR which was lodged way back in the year 2008, the petitioners are facing certain difficulties particularly in respect of getting a Passport issued and applying for Visa and that on an earlier occasion they had to approach this Court for the purpose of getting the Passport issued.

Learned State counsel to seek definite instructions as to whether in the given circumstances where the petitioners have been found to be innocent, in a FIR lodged way back in the year 2008, some final report under Section 173 Cr.P.C. is proposed to be filed or not.

List again on 11.12.2024.

To be shown in urgent list. ”



CRM-M-19901-2024 (O&M) (3)

3. Learned State counsel, upon instructions from SHO Jaskamal Singh Sekhon has informed that upon investigation of the case, the petitioners indeed have been found innocent and that a final report has been prepared in this regard wherein it has been incorporated that the petitioners are not involved. It has further been submitted that the final report is likely to be presented within 4 weeks from today.
4. Faced with the aforestated position learned counsel for the petitoners submits that he may be permitted to withdraw the instant petition at this stage with liberty to file afresh, in case need be.
5. In view of the aforesaid request, the present petition is dismissed as withdrawn with liberty aforesaid.
6. Since, it is the categoric stand of the State in the reply filed in the instant petition and as has also been stated before this Court that the petitioners have been found innocent, it goes without saying that pendency of the FIR qua the other co-accused shall not be treated as an impediment for the purpose of issuance of any Passport to the petitioners.

11.12.2024
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(GURVINDER SINGH GILL)
JUDGE

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