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IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

105

CWP-10018-2024 (O&M).
Date of Decision: 05.09.2024.

LUKHBIR SINGH GILL

.. Petitioner

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Ibad Mushtaq, Advocate, and
Mr. Shubhkarman Singh Gill, Advocate,
for the petitioner.

Mr. Aditya Sharda, DAG, Punjab,
for respondents No.1 and 4.

Mr. Satya Pal Jain, ASGI, with
Ms. Saigeeta Srivastava, Advocate,
for respondents No.2 and 3.

Mr. S.K. Raghuvanshi, Advocate, with
Mr. Vijay Lath, Advocate,
for respondents No.5 and 6.

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VINOD S. BHARDWAJ, J. (ORAL)

CM-14253-CWP-2024

This is an application for preponement of the main case.

Notice in the application to the counsel for the non-applicants-respondents No.1 to 4.

Learned counsel appearing for the non-applicant/respondents No.1 to 4 have no objection if the application is allowed and the main case is preponed from the date already fixed i.e. 02.12.2024.

In view of the above, the present application is allowed. Hearing of the main case is preponed from 02.12.2024 and the same is taken on board today itself.

Main case

Prayer in the present petition is for seeking issuance of directions to the respondents to withdraw/recall the Look-out Circular issued against the petitioner.

2 Mr. S.K. Raghuvanshi, Advocate, with Mr. Vijay Lath, Advocate, enters appearance and files power of attorney on behalf of respondents No.5 and 6. The same is taken on record.

3 It is averred in the present petition that marriage of respondent No.5 i.e. the daughter of complainant-respondent No.6 was solemnized with the son of the petitioner as per Sikh rites and ceremonies, at Ropar on 14.10.2016, however, the marriage ran into rough weather and ultimately an ex parte divorce decree dated 12.01.2018 was passed in favour of son of the petitioner by the Superior Court of California, County of Sonoma, USA. It

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is submitted that on a complaint filed by respondent No.6- the mother of respondent No.5 on the behest of her daughter on concocted grounds, an FIR No. 0003 of 2018 under Sections 406 and 498-A of the Indian Penal Code was registered at Police Station, NRI, SBS Nagar. It is submitted that the petitioner and his son Amandeep Singh Gill preferred a petition under Section 482 Cr.P.C. bearing CRM-M No.25072 of 2018 seeking quashing of the aforesaid FIR. It is submitted that upon arrival of the petitioner at Chaudhary Charan Singh International Airport, Lucknow, on 07.03.2024, he was detained at the immigration check on the ground that Look Out Circular has been operating against him and he had to spend the entire night at the Lucknow Airport and it was only on the next day i.e., 08.03.2024 around 11:00 A.M. that the petitioner was released from the Airport. It is averred that since the present petitioner is now not being allowed to travel abroad hence, the present writ petition has been filed for issuance of directions to the respondents to withdraw/recall the Look-out Circular operating against the petitioner.

4 Notice of motion in the present case had been issued on 02.05.2024 and thereafter, short reply has been filed by way of affidavit of a Ashok Kumar, PPS, Deputy Superintendent of Police, NRI Wing, Phase 7, S.A.S. Nagar, Mohali, on behalf of respondents No.1 and 4 wherein it is averred that the matter is still under investigation and the investigating agency got issued look out circular to procure their presence and a prayer for dismissal of the present writ petition has been made.

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5 A separate reply on behalf of respondents No.2 and 3/Union of India has also been filed stating that a look-out circular can be modified/deleted/withdrawn by the Bureau of Investigation (BOI) only on the specific request made by the originator on whose request the Lookout circular has been issued and it has been prayed that the present writ petition be disposed of accordingly.

6 Learned counsel appearing for the petitioner submits that during the pendency of the present writ petition in view of the Memorandum of Settlement dated 13.06.2024 (Annexure P-9) executed between the petitioner and his son as well as respondents No.5 and 6, the aforesaid FIR has been quashed by this Court vide order dated 28.08.2024 passed in CRM-M-32239-2024 titled as 'Lukhbir Singh Gill and another Vs. State of Punjab and others' copy of which has been placed on record as Annexure A-1. The relevant part of the aforesaid order is extracted as under:-

“In view of what has been discussed here-in-above, this petition is allowed; and FIR No.0003 of 2018 dated 24.03.2018 (Annexure P-1) registered under Sections 406, 498-A IPC at Police Station NRI, SBS Nagar, Punjab and all subsequent proceedings arising therefrom, on the basis of Memorandum of Settlement dated 13.06.2024 (Annexure P-2), are ordered to be quashed qua the petitioners.”

7 Learned counsel for the respondents No.1 and 4 State of Punjab, does not dispute the fact that the aforesaid FIR in relation to which the Look-out circular has been requested, is quashed.

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7 Learned Additional Solicitor General of India appearing on behalf of respondents No.2 and 3/Union of India submits that since the look-out circular is issued on the specific request of an investigating agency/State authorities, the same can be withdrawn on the request of the said agency/State authorities and they have no objection to the same.

8 Learned counsel appearing for respondents No.5 and 6 i.e. the complainant-mother on whose complaint on behalf of her daughter, the aforesaid FIR was registered submits that the FIR in question has been quashed in view of the memorandum of settlement.

9 In view of above, since the FIR in relation to the investigation of which, the look-out circular was issued against the petitioner, has been quashed on the basis of the Memorandum of Settlement dated 13.06.2024 vide order dated 28.08.2024 passed in CRM-M-32239-2024 extracted above, the present writ petition is allowed and the Look Out Circular against the petitioner is ordered to be withdrawn.

September 05, 2024.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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