



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-28516-2021(O&M)

Date of Decision: 21.08.2024

Ganeshwar Kumar

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Ms. Anmol Gupta, Advocate for
Mr. Abhinav Sood, Advocate
for the petitioner.

Ms. Aakanksha Gupta, A.A.G., Punjab.

NIDHI GUPTA, J. (ORAL)

Prayer in the present petition under Section 482 Cr.P.C. is for setting aside directions/orders as contained in para No. 38 to 52 whereby registration of an FIR against the petitioner (Sub-Inspector) and initiating a departmental inquiry have been ordered by the learned Additional District Judge, Special Court, Bathinda, while acquitting the accused vide judgment dated 09.07.2021 (Annexure P-1) in Sessions Case No. 157 of 2018 titled as '*The State of Punjab Vs. Bhushan Kumar*', arising out of FIR No. 92 dated 08.05.2017 registered under Sections 376 and 34 IPC at Police Station Kotwali Bathinda, District Bathinda (Annexure P-2).

Learned counsel for the State, on instructions from ASI Chamkaur Singh, informs this Court that initially FIR No. 92 dated 08.05.2017 was registered under Sections 376 and 34 IPC at Police



Station Kotwali Bathinda, District Bathinda, by the prosecutrix against 2 accused persons. It is submitted that during the course of trial, it was discovered that the said accused persons had been falsely implicated in the FIR in conspiracy with 2 police officials; one of the whom is the present petitioner before this Court. As such the learned trial Court, while acquitting the above said two accused as mentioned in above said FIR No. 92 dated 08.05.2017, had given direction that the petitioner be proceeded in accordance with law including initiation of departmental enquiry and registration of an FIR. Learned counsel for the State has brought attention of this Court to the averments mentioned in para Nos. 6 and 7 of the status report dated 25.08.2021 filed by way of an affidavit of the Deputy Superintendent of Police, City-1, Bathinda on behalf of respondents No.1 to 4, wherein it has been stated as under:-

“6. That the present petition has already been rendered infructuous as on the basis of the directions issued by the learned Additional Sessions Judge, Bathinda, FIR No. 133 dated 23.07.2021 under section 218, 465, 466, 469, 471, 120-B IPC has already been registered at Police Station Kotwali Bathinda against SI Ganeshwar Kumar, Head Constable Rajiv Kumar and Anmol Kaur @ Ramanpreet Kaur @ Jasvir Kaur @ Ashu Dhaliwal daughter of Rajveer Singh resident of ward No.12 Adarash Nagar Nihal Singh Wala District Moga. The case is now under Investigation. The Senior Superintendent of Police Bathinda has constituted a Special Investigation Team with Shri Jaspal PPS, SP City Bathinda, as chairman and Shri Gurjeet Singh Romana PPS DSP City Bathinda and SHO Kotwali Bathinda as members.

7. That Senior Superintendent of Police Bathinda has ordered initiating departmental enquiry against SI Ganeshwar Kumar vide



his order bearing No. 3550-57 ST dated 20.08.2021 and have appointed Shri Jaswinder Singh PPS SP PBI/O.C and N as Enquiry Officer and to complete the enquiry as per Punjab Police Rules.”

Learned counsel for the State, on instructions from ASI Chamkaur Singh, further informs that vide DDR No. 24 dated 12.05.2022 the petitioner has been found to be innocent and the challan has been filed only against the other accused and the prosecutrix in the above said FIR No. 133 dated 23.07.2021.

Learned counsel for the petitioner is unable to deny the above said assertions made by learned counsel for the State.

In view of the facts as noticed above, present petition is disposed of as having been rendered infructuous.

Pending application, if any, stands disposed of.

21.08.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

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