



112 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.46874 of 2024 (O&M)  
Date of Decision: 27.09.2024

Sarabjit Kaur ...Petitioner

Versus

State of Punjab and Others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Pradeep Virk, Advocate  
for the petitioner.

Ms. Swati Batra, DAG, Punjab.

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ANOOP CHITKARA, J.

| FIR No. | Dated      | Police Station                                 | Sections                                    |
|---------|------------|------------------------------------------------|---------------------------------------------|
| 204     | 20.11.2020 | Sarai Amanat Khan, District Tarn Taran, Punjab | 188, 307 IPC, 1860 and 27 of Arms Act, 1959 |

1. Seeking transfer of investigation in the FIR captioned above, the grand mother of a 05 year old child who had suffered bullet injury, had come up before this Court under Section 528, BNSS.
2. State counsel on instructions submits that the investigation is completed and the cancellation report has already been filed which is pending before the concerned trial Court for adjudication.
3. On this, counsel for the petitioner submits that after 04 years of the incident, the State has filed a cancellation report and the investigator did not even inform the victim's family instead they have informed an informer on whose information FIR was registered who has no *locus* and has no concern with the child.
4. Now the investigator has filed cancellation report, so the question to transfer investigation is immaterial. In the entirety of facts and circumstances, the present petition is **partly allowed** to the extent that the concerned Court before accepting the cancellation report shall give ample and appropriate hearing to the victim's parents and to the petitioner. The petitioner is at liberty to file protest petition before the trial Court. If the concerned Court proceeds further for accepting the cancellation report then the said



Court before doing that, shall give appropriate opportunity of hearing to the petitioner as well as to the victim’s parents. State to supply a copy of the cancellation report alongwith all statements and material available with the investigator to reach at the conclusion to file cancellation report, to the petitioner through his counsel within three weeks. It is clarified that the petitioner may file protest petition within 30 days of the receipt of the cancellation report. Liberty reserved to the petitioner to file fresh petition or to take other legal remedies in accordance with law. Pending applications, if any, also stand disposed of.

(ANOOP CHITKARA)  
JUDGE

27.09.2024  
Sonia Puri

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