



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

125**CRM-M-53644-2024****Date of decision: 28.10.2024**

Raghbir Singh alias Raghbir Singh Gandham

...Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr.Abhinav Gupta, Advocate, for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in the instant petition filed under Section 528 of the Bhartiya Nagrik Suraksha Sanhita, 2023 is for quashing of FIR No.95 dated 07.08.2012 (Annexure P-1) under Section 420/406 of the IPC registered at Police Station Sadar Phagwara, District Kapurthala and all the consequential proceedings arising out of it qua the petitioner.

2. Learned counsel for the petitioner contends that the investigating agency, after a thorough inquiry, concluded that the petitioner had been falsely implicated by the complainant in collusion with others to illegally seize land situated in village Gandwan. Based on this, a cancellation report was prepared on 04.02.2013. In support attention of this Court has been drawn to Annexure P-3

3. While further drawing the attention of this Court to the zimni orders annexed as Annexures P-5 and P-6, learned counsel states that the



cancellation report was initially submitted to the learned trial Court in the year 2013. However, on 15th of February 2016, the trial Court returned the report, directing further investigation. Despite additional enquiries, no incriminating evidence was found against the petitioner, prompting the investigating agency to once again recommend the cancellation of the FIR in the year 2021 through a fresh cancellation report. However, this report remained pending for nearly two years due to the failure of the investigating agency to serve notice to the complainant.

4. Learned counsel further submits that on 31st of October 2023, the learned trial Court returned the cancellation report again, citing the inability of the investigating agency to produce the complainant, who was reported to be abroad. Subsequently on 9th of May 2024, a third cancellation report was presented, during which it was disclosed that the complainant Rajinder Singh, is also an accused in FIR No.08 dated 12th of January 2011 for offences under Sections 341, 323, 506, 427, 148 and 149 of IPC registered at Police Station Goraya District Jalandhar and was declared a proclaimed offender vide order dated 13th of May 2015. Furthermore, learned counsel, while placing reliance on CRM-M-44143-2020 titled *Jasveer Singh vs. State of Punjab*, has submitted that this Court has already set forth specific guidelines for the learned Trial Court regarding the disposal of a cancellation report in the complainant's absence. In light of these circumstances, where the whereabouts of the complainant remain unknown and service of notice appears unlikely learned counsel has prayed that he would be satisfied if the learned trial Court is



directed to expeditiously pass an appropriate order on the cancellation report in view of the guidelines laid down in **Jasveer Singh** (*supra*).

5. I have heard learned counsel for the parties and have perused the relevant material placed on record.

6. Upon perusal of the material on record, it stands revealed that the investigating agency has submitted as many as three cancellation reports before the Court concerned. It also requires to be noted that the complainant, who is the author of the present complaint, has been declared a proclaimed offender since 2015.

7. Without delving into the merits of the case, the instant petition is disposed of with a direction to the learned trial Court to pass an appropriate order on the cancellation report submitted by the investigating agency, following the guidelines set forth by this Court in case **Jasveer Singh versus State of Punjab**(*supra*)

8. As a sequel to the above, the instant petition is disposed of with the aforementioned directions to pass an appropriate order expeditiously in accordance with law and in the facts and circumstances of the case. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

October 28, 2024
poonam

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No