

**CRM-M-25699-2025****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****112****CRM-M-25699-2025****Decided on:07.08.2025****Sunil Kumar****.....Petitioner****Versus****State of Haryana and others****.....Respondents****CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH****Present: Mr. Gautam Dutt, Advocate for the petitioner.****Mr. Kanwar Sanjiv Kumar, AAG, Haryana.************SANJAY VASHISTH, J.**

1. Present petition has been filed by petitioner-Sunil Kumar, seeking issuance of directions to Respondents No. 2 to 4 to entrust the investigation of FIR No. 0747 dated 17.10.2024 (Annexure P-1), registered under Sections 305 and 331(4) of the Bharatiya Nyaya Sanhita, 2023, at Police Station Assandh, District Karnal, Haryana, either to a higher-ranking police officer of the IPS cadre or, in the alternative, to an independent investigating agency.

2. Learned counsel for the petitioner contends that, by getting the aforesaid FIR registered, he sought to protect himself as a victim of alleged harassment at the hands of Rizwan and Yakuf. It has further been submitted that the Investigating Officer in the present case had previously been involved in a corruption matter and, therefore, he neither arrested the named accused; nor made any attempt to recover the allegedly stolen tractor.

It is further submitted that no incriminating evidence was found during the course of the investigation to substantiate the allegations

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made by the petitioner. Rather, the allegation of theft, as stated in the FIR, was found to be false during the investigation.

3. As per the status report, a cancellation report was prepared on 06.01.2025, which is duly supported by the findings recorded during the investigation. The cancellation report has been submitted after collecting and examining all relevant evidence, leading to the conclusion that no offence is made out.

For reference, relevant paragraphs of the status report are reproduced herebelow:

“4. That allegation in brief, of the matter are that a complaint was moved by petitioner to DSP/Assandh alleging therein that he is doing business of Bio coal in village Mardan Hedi, Assandh, District Karnal. He went to his home from factory on 29.09.2024 at 08 PM and his tractor was parked in factory. However, when he reached his factory on 30.09.2024, tractor was found missing. When he enquired from the labourers present there, they disclosed that Rijwan and Yakub have taken the tractor away. He is already acquainted with Rijwan and Yakub as they earlier used to work at his factory. Thereafter, he visited residential home of both accused in village Chausana and found tractor parked there. He requested them to return the tractor but they refused to do so. After receipt of the complaint, prima facie, matter was found suspicious. However, an FIR was registered on 17.10.2024 for conducting detailed investigation after preliminary enquiry.

5. That, on 11.11.2024, Sufiyan (brother of Rizwan. and nephew of Yakub) presented a complaint (No. 4026-Peshi dated 11.11.2024) along with a photocopy of ledger account number 431, indicating a mutual transaction regarding the tractor dated 13.12.2023. Sufiyan further alleged in his complaint that a Mahindra 575 tractor (Reg. No. HR71-J-2325) was handed over

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to him by Sunil Kumar and Vishal Kumar in lieu of Rs.5 lakh pending wages as part of a settlement, which was duly recorded in the ledger on 13.12.2023. This tractor has been in his possession for the last four months. Also, according to the complainant, a false FIR regarding the theft of the same tractor has now been filed by Sunil Kumar to pressurize him and prevent recovery of his remaining wages of approximately Rs.10 lakh. He claims this action is part of a deliberate conspiracy to avoid payment.

6. *That, the Call Detail Records (CDR) and Customer Application Forms (CAF) of the mobile numbers of the complainant (8053662278), accused Rizwan (8868065700) as well as Yakub (9720352130) and Sufiyan (9719677133) were obtained from Cyber Cell, Karnal, and analysed. The CDR analysis revealed that on 29.09.2024 and 30.09.2024, constant location of both accused was found in Village Chausana, District Shamli (Uttar Pradesh). Further, claim of the petitioner that he visited village Chausana and located his tractor there could not be substantiated based on the CDR analysis.*

7. *That based on the investigation, it was found that the tractor in question was not stolen but was part of a mutual settlement between the complainant and the accused party as corroborated by the ledger account entry dated 13.12.2023 showing an amount of Rs. 5,00,000/- added to Rizwan's account in lieu of the tractor. A true copy of the Ledger book bearing number 431 is annexed herewith as Annexure R-1.*

8. *That no incriminating evidence substantiating the complainant/ Petitioner's allegations of theft was found during the investigation. The allegations pertaining to theft made in the FIR were found to be false.*

9. *That a cancellation report was prepared on 06.01.2025, supported by the investigation findings, including the CDR analysis, witness statements, and accounting documents.*

10. *That in response to the complaint made by the petitioner (Annexure P-6) alleging that Inspector Mandeep and Sub-Inspector Dalsher Singh of CIA, Assandh, demanded bribes of*

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Rs.20,000/- and Rs.50,000/- respectively, a separate inquiry was conducted. During the course of inquiry, the complainant/petitioner's allegations were examined, the concerned officers were also joined in enquiry and the available material was examined. No evidence whatsoever was found to substantiate the allegations made by the complainant.

11. The petitioner was personally heard on 05.06.2025 by the deponent, during which he reiterated the allegations as stated in his original complaint. During the course of the hearing, the petitioner was directed to produce the original ledger book. In compliance, the petitioner submitted the photocopy of original ledger book bearing number 431 on 16.06.2025 duly attested by the petitioner along with the original ledger book. Upon perusal of the said ledger, it was observed that an entry dated 13.12.2023 reflecting an adjustment of Rs.5 lakh regarding the tractor was duly recorded between the concerned parties.

12. That, cancellation report prepared by SHO Police Station Assandh was found to be proper in the present matter based on the facts and circumstances of the case.

In view of the submissions made hereinabove, it is humbly prayed that compliance report may kindly be taken on record and considered in interest of justice.

4. On 28.07.2025, following order was passed:

i) Present petition has been filed by petitioner Sunil Kumar, seeking issuance of directions to respondents No. 2 to 4 to have the investigation of FIR No. 747 dated 17.10.2024, registered under Sections 305 and 331(4) of the Bharatiya Nyaya Sanhita, 2023, at Police Station Assandh, District Karnal, conducted either by a senior police officer of the IPS cadre or, in the alternative, by an independent agency.

ii) Learned State Counsel has filed a status report by way of an affidavit of Ganga Ram Punia, IPS, Superintendent of Police, Karnal, in Court today. Same is taken on record. Registry is directed to tag the same at appropriate place with the paper-book.

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iii) Referring to paragraph No. 7 of the status report, learned State Counsel submits that, as per the investigation, the tractor in question was not stolen, but was given on account of mutual settlement between the petitioner and the individuals/suspects named in his complaint. This fact was corroborated by ledger account entries dated 13.12.2023, reflecting an amount of Rs. 5,00,000/- credited to Rizwan's account in lieu of the tractor.

iv) List the matter on 07.08.2025 for further consideration.

v) In the meantime, learned State Counsel is directed to file an additional affidavit, after verifying the credentials, as well as the social and educational status of the petitioner and the suspects named by him in his complaint.

5. Today, learned Senior Counsel has filed an additional report by way of an affidavit of Sh. Ganga Ram Punia, IPS, Superintendent of Police, Karnal, in Court. Same is taken on record. Registry is directed to tag the said affidavit at the appropriate place in the paper-book.

6. It has been brought to the notice of this Court that Yakub @ Haji and Rizma, who were projected as accused in the FIR at the instance of the petitioner, are illiterate individuals and are related to each other. No criminal case has ever been registered against them.

On the contrary, it has been revealed that the petitioner and his brother were involved in a criminal case i.e. FIR No. 37 dated 10.02.1999, registered under Sections 302, 342, 506, and 120-B of the Indian Penal Code at Police Station Narnaund, District Hisar. In that case, both, petitioner and his brother were convicted and sentenced to life imprisonment. Though, petitioner has served his sentence and is presently residing with his family at Assandh, his brother, namely Satish Kumar,

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absconded after being released on parole and failed to surrender back to District Jail, Hisar.

7. Taking into consideration the contents of status report dated 25.07.2025 and additional report dated 06.08.2025 (filed in Court today), and upon perusal of the petition and hearing learned counsel for the respective parties, this Court is not inclined to accept the submissions made by learned counsel for the petitioner, nor is persuaded by the grounds urged in the present petition. Accordingly, petition is hereby dismissed.

8. However, since cancellation report has already been prepared, let same be finalized at the earliest in accordance with law. Additionally, it is also observed that if it is concluded that petitioner's complaint and allegations were false and with some ulterior motive, let required action in law should also follow, without causing any undue delay.

(SANJAY VASHISTH)
JUDGE

August 07, 2025
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Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**