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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-58424-2024

AMARJEET SINGH SIDHU

..PETITIONER

Versus

STATE OF PUNJAB AND OTHERS

... RESPONDENTS

Present: None for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

The jurisdiction of this court has been invoked under section 482 Cr.P.C. for issuance of directions to the respondents No. 2 & No. 3 for taking appropriate legal action in the case of instant FIR No. 210 dated 20.07.2022 under section 406, 420, 120B IPC and section 13 of Punjab travel Professional (Regulation) Act, 2014, registered at police station Rama mandi, District Jalandhar.

The factual matrix in brief is as under:

The complainant Amarjit Singh s/o Rajkumar r/o H. No. 151, Beant nagar, Rama mandi, Jalandhar was promised by the accused Balwant Kaur to arrange work permit for him to Canada with the help of her daughter Simran Kaur. In pursuance of the same the complainant transferred the sum in tune to Rs. 3,35,800/- and Rs 5,64,000/- in the account of one Himanshu Mahajan and also gave cash in sum total of Rs 4,00,000/- whereafter made another payment of Rs 2,00,000/- on 5.01.2020 yet the accused failed to acquire the work permit for the complainant as promised, on that instance the present FIR was

registered. The sum total of Rs. 10,42,000/- has been returned to the complainant in the due course of the inquiry with a balance payment of Rs 4,00,000/- yet to be returned.

Upon the perusal of the case file it is revealed that the present FIR was registered on 20.07.2022, and due to the deliberate laxity on the part of the investigating authorities no action was taken by the police authorities despite lapse of nearly 2 years.

It is further evident that the police has not yet completed the investigation for which the present petitioner has been duly representing the matter to the authorities including Commissioner of Police Jalandhar (Annexure P-2) to take appropriate action as latest as on 11.11.2024. The case file also levels allegations that the authorities have been hand in glove with the present accused as neither any action has been taken against the culprits nor efforts are being made by them, to conclude the investigation.

While issuing notice of motion on 22.11.2024, following order was passed by this Court:-

“The jurisdiction of this Court has been invoked under Section 482 Cr.P.C. for issuance of directions to respondents No.2 & 3 for taking appropriate legal action in case FIR No.210, dated 20.07.2022, under Sections 406, 420, 120-B IPC and Section 13 of Punjab Travel Professional (Regulation) Act, 2014, registered at Police Station Rama Mandi, District Jalandhar.

Notice of motion.

On the asking of the Court, Mr. Jasjit Singh Rattu, DAG, Punjab accepts notice on behalf of the respondent-State.

Commissioner of Police, District Jalandhar is directed to file a status report as to why the final report in the instant

FIR has not been filed till date. He shall remain present in Court on the next date of hearing along with the data-wise conduct of investigation since the date of registration of instant FIR till date, failing which, this Court will contemplate an action under the Contempt of Courts Act. Adjourned to 13.12.2024.”

In compliance of the afore-said order, Mr. Swapan Sharma, IPS, Commissioner of Police, Jalandhar is present in Court who has filed the status report dated 13.12.2024, which is taken on record.

Having gone through the afore-said status report, it is crystal clear that now it has hurriedly prepared the challan just to hush up the present petition. This court is of the view that probably a cancellation report has been filed without conducting a free and fair investigation as is the right of the present petitioner guaranteed under Article 21 of the Constitution of India.

This court is also considerate of the Article 39 A of the Constitution of India which ensures equal justice for all and shoulders the burden of dispensing justice to the present petitioner which has not been done so far in letter or spirit by the police authorities.

The petitioner has been aggrieved by the lack of action on the part of the investigating agency for over 2 and half years since the registration of FIR. Now, however, as per the action taken report it is stated that the challan in the present case which has been done actually now in just 10 days after this Court put the State of Punjab on notice of motion, which was pending since the date of the registration of FIR i.e. 20.07.2022.

The aforementioned conduct of the Law Enforcing Agency of the State shows the laxity and pathetic approach on their part, who kept sitting over the matter for last 2 and half years.

Therefore, it would be just and appropriate to penalize it with exemplary cost and thus, Mr Swapan Sharma, IPS, Commissioner of Police, Police Commissionerate, Jalandhar, is directed to be penalised with a cost of Rs.1,00,000/-, which shall be deducted from his salary only.

The cost shall be deposited with the Chandi Kusht Ashram Society, (Account No. 1445265900)(IFSC Code KKBK0004211), Kotak Mahindra Bank, Sector 46-C, Chandigarh and receipt in this regard be placed on record on the next date of hearing.

The Director General of Police, Punjab shall also certify the deduction from the salary of the officer by way of filing his affidavit on the adjourned date.

The personal appearance of the Commissioner of Police, Jalandhar through is exempted till further order.

Adjourned to 20.12.2024.

(SANDEEP MOUDGIL)
JUDGE

13.12.2024
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