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

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Date of decision: 22.09.2025

Kimti Lal @ Kimti Lal Bhagat

....Petitioner

V/s

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ashwani Kumar Katter, Advocate for
Mr. L.M. Gulati, Advocate for the petitioner.
Mr. Amit K. Goyal, Additional Advocate General, Punjab.

SUMEET GOEL, J.

1. The *petition in hand*, has been filed under Section 528 of BNSS, 2023 with the following substantive prayer:

“It is, therefore, respectfully prayed that present petition may kindly be allowed and appropriate directions may kindly be issued to the respondents to present cancellation report or the status report in case FIR No.281 (Annexure P-1) dated 09.08.2007, under Sections 323, 341, 506, 34 of IPC, registered at Police Station Division No.6 Jalandhar, District Jalandhar as the matter has already been compromised between the petitioner and the complainant-respondent No.6 and even the investigation Agency prepared cancellation report way in the year 2007 itself, but was not presented before the Court till date and the petitioner is suffering the agony of the present case since last about 18 years, in the interest of justice.”

2. The factual *milieu* of the *petition in hand* reflects that an FIR was registered against the petitioner (herein), at the instance of the respondent No.6, under Sections 323/341/506/34 IPC at Police Station Division No.6, Jalandhar. Later on, the misunderstanding between the rival private parties is stated to have been resolved with the intervention of the elders of the family/respectable persons of the locality and respondent No.6



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(herein) –FIR complainant had submitted an affidavit in this regard to the concerned police station. It has been pleaded in the petition that a cancellation report was prepared by the Police in the year 2009 but the same has not yet been presented before the concerned Court. Aggrieved with the non-culmination of the investigation *qua* the FIR in question and presentation of the final report, the present petition has been preferred before this Court.

3. Learned counsel appearing for the petitioner, iterating the cause pleaded in the petition, has argued that the FIR in question was registered in the year 2007 and a cancellation therein was prepared by the Police in the year 2007/2009 itself but the same had not been filed before the competent Court despite a *hiatus* of about 15 years. Learned counsel has argued that though there is no fixed and mandatory time frame for the Police to file a final report, yet the same ought to have been done within a reasonable time. Learned counsel has further iterated that the petitioner has made various representation(s) to the concerned Police authorities, including to the Commissioner of Police of Jalandhar, but to no avail. Thus, grant of *petition in hand* is entreated for.

4. Upon being called upon by this Court, State of Punjab has filed reply dated 15.09.2025 by way of an affidavit of Sh. Gaurav Yadav, IPS, Director General of Police, Punjab, relevant whereof reads as under:

“13. That the matter has been examined by the deponent in view of facts reported by Commissioner of Police, Jalandhar and substantive rules/procedure governing the matter. The period of more than 4 years have lapsed since the retirement of MHC HC Kamaljit Singh No. 1195/Jal and Inspector Sakattar Singh No. 823/JR, the then SHO of Police Station Division No. 6, Jalandhar. It is legally impermissible to initiate



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departmental action against them in view of limitation prescribed by Rule 2.2(b) of the Punjab Civil Services Rules, Volume-II.

14. *That however, Parminder Singh, PPS the then Dy.SP, City -2 Jalandhar is now posted as DCP, Law and Order, Ludhiana. In view of report received from Commissioner of Police, Jalandhar Show Cause Notice has been issued vide No. 10000/CR/LA-5 dated 15.09.2025 to Parminder Singh, PPS the then Dy. SP, City 2, Jalandhar, presently posted as DCP, Law and Order, Ludhiana for lapses mentioned in the report of Commissioner of Police, Jalandhar. A copy of the aforesaid Show Cause Notice is annexed alongwith and marked as ANNEXURE R-2.*

15. *That the deponent craves for indulgence of this Hon'ble Court to submit that various Circulars and Memos have been issued to the field units to ensure that timely action is taken on the cancellation/untraced reports filed in the criminal cases. Timely action taken in the matter reduces the probability of missing file(s), as has been reported in the present case. A circular has been issued to the field units apprise them about the necessity of proper follow up and tracking the movement of case file, to ensure that such circumstances are not repeated in future, where police file has gone missing and there is no trace of the same even after 15 years. A set procedure be adopted for movement of the case files sent for submission of cancellation/untraced report to the competent courts as per the provisions of the Punjab Police Rules. A copy of the aforesaid Circular No. 30 of 2025 endorsed to all field units and other police wings vide No. 9944-99/CR/LA-5 dated 15.09.2025 is annexed alongwith and marked as ANNEXURE R-3.*

16. *That it is humbly submitted that the delay in submission of the cancellation report is deeply regretted and corrective measures have been taken and shall be taken to ensure that such lapses does not recur in future. All heads of field units have been instructed during the course of VC meetings held by the deponent to pay urgent attention and personally review all such cases so that such instance is not repeated in future."*

The said reply further reflects that the DGP, Punjab has now issued a circular No.30 of 2025 dated 15.09.2025; *qua* preparation, submissions and follow up of cancellation, untraced report to the competent Court; relevant whereof reads thus:

"6. In view of the abovesaid, it is reiterated that: -



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- (1) All CPs and SSPs should pay their personal attention to the issue and make disposal of such pending cancellation and untraced reports a priority to achieve significant progress on the issue.*
- (ii) Focus should be made on disposal of both the categories of cancellation/untraced reports i.e. those pending with the police authorities and those pending before the Ld. Courts.*
- (iii) Delay in submission and follow up of cancellation/untraced reports to the Ld. Courts is directly linked to the missing files as in the present case. Had timely action been taken in submission and follow up of cancellation/untraced reports, such situation would not have arisen.*
- (iv) Cancellation/untraced reports should be timely prepared and submitted to the competent courts and proper follow up is ensured by the concerned Nodal Officer appointed for the aforesaid purpose.*
- (v) Disposal of registered FIRs should be much higher than the registration of FIRs to reach an equilibrium where FIRs under investigation show a downward trend.*
- (vi) The issue of pendency of Cancellation/untraced reports should be taken up in the periodical meetings of District Monitoring Committee comprising District Magistrate, Commissionerate of Police/ Senior Superintendent of Police and District Attorney.*
- (vii) The Sub-Divisional Dy. SPs should coordinate with the concerned Courts to take up the cases of Cancellation/untraced reports for early disposal.*
- (vii) The heads of the field units should ensure the Naib Courts act as a liaison between the Police Stations and the concerned Courts efficaciously and effectively. Further, Naib Courts should ensure that whenever any Cancellation/untraced report is submitted to the competent Court, the process/summons issued is duly served upon the complainant of the case.*
- (ix) A set procedure be adopted for movement of the case files sent for submission of cancellation/untraced report to the competent courts.*
- (x) Proper follow up and tracking the movement of case file would ensure that such circumstances are not repeated in future, where police file has gone missing and there is no trace of the same even after 15 years.”*

Learned State counsel, while raising submissions in tandem with the above affidavit dated 15.09.2025, has submitted that the non-presentation of the final report *qua* the FIR in question was inadvertent and



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requisite action(s) is being taken against the concerned delinquent official(s) as per extant Rules. Learned State counsel has further iterated that the issuance of above circular No.30 of 2025 dated 15.09.2025 reflects that requisite corrective measures have been taken to ensure that such lapse(s) does not recur in future. On the strength of these submissions the dismissal of the instant petition is sought for.

5. I have heard learned counsel for the rival parties and have perused the record.

6. The undisputed factual *milieu* of the *petition in hand* reflects that the FIR in question was registered in the year 2007 but the cancellation report was prepared in the year 2007/2009 but the same has not been presented till the intervention of this Court by way of the *petition in hand*. Pertinently, the authority to initiate and pursue prosecution is an inherent and inalienable element of the sovereign power of the State. This power is not a mere privilege but a solemn public trust, which must be exercised with utmost diligence and transparency, so as to uphold the foundational principles of the rule of law. A failure to discharge this solemn duty promptly can undermine the faith of citizenry in the efficacy and fairness of the justice. While it is indubitable, that the legislature in its considered wisdom, has intentionally abstained from prescribing a mandatory time limit for the presentation of challan/final report — thus allowing the investigating agency a measure of discretion — this discretion is neither absolute nor unbridled.

6.1. The grant of discretion carries a corresponding imperative for reasoned and diligent exercise. It must be grounded in reasonableness and directed towards the ends of justice. When such discretion is permitted to



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translate within an unjustifiable and inordinate delay, such as the protracted period of 15 years, as in the instant case, it constitutes an antithesis to the rule of law. An age old adage by *Lord Halsbury*, reads thus:

“.....“discretion” means when it is said that something is to be done within the discretion of the authorities, that something is to be done according to the rules of reason and justice, not according to private opinion; according to law and not humour. It is to be not arbitrary, vague and fanciful, but legal and regular. And it must be exercised within the limit, to which an honest man, competent to the discharge of his office ought to confine himself.”

The non-application of mind or a lack of diligence in this context effectively amounts to an abdication of a statutory and constitutional duty. Such inaction converts a necessary element of procedural flexibility into an instrument of arbitrariness, defeating the very purpose of timely justice and eroding the procedural safeguards guaranteed to both the accused and the victim.

7. Reverting to the facts of the *petition in hand*, there appears to be a lackadaisical *nay* stolid conduct having been undertaken by the concerned Police official(s) while dealing with the FIR in question. The affidavit dated 15.09.2025 filed by the DGP, Punjab does reflect that the punitive action(s) has been initiated against the concerned delinquent official(s) & corrective measures have been reflected to be undertaken by way of issuance of circular No.30 of 2025 dated 15.09.2025. Further, the final report *qua* the FIR in question has been presented before the concerned Court and the same has been accepted by the said Court on 22.08.2025 i.e. after filing of the *petition in hand*.

Before parting with this order, a seminal aspect of the *lis in hand* craves attention. In discharging its sovereign constituent of



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prosecution, the State (as also its instrumentalities) must act with dispatch and diligence. Concerning the slumber on part of the investigating agency, this Court finds itself compelled, to deprecate the protracted official torpor and its discernible unwillingness to discharge its solemn responsibilities in a timely and conscientious manner. The *case in hand* is an unsoothing illustration of lack of due diligence, reflective of an apathetic approach. Such a lethargic conduct can be curbed only if the Courts, across the system, adopt an institutional approach which penalizes such comportment. The imposition of costs, is a necessary instrument, which has to be deployed to weed out, such an unscrupulous conduct. *Ergo*, this Court deems it appropriate to saddle the State (as also erring officials) with costs, which indubitably ought to be veritable and real time in nature.

8. In view of the prevenient ratiocination, it is ordained thus:

I. Since the final report has been filed by the Police *qua* the FIR in question and has been accepted by the concerned Court on 22.08.2025, the grievance raised in *petition in hand* has been effectively redressed and, thus, no further orders are called for in this regard.

II. (i) The State of Punjab is saddled with costs of Rs.1.00 lac (one lac), out of which Rs.25,000/- shall be paid to the petitioner (herein) and Rs.75,000/- shall be paid to the Punjab State Legal Services Authority – Disaster Relief Fund, bank details whereof read as under:

Account No.44426937384;

IFSC Code: SBIN0014656;

Bank : State Bank of India, Sector 68, SAS Nagar.



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The State shall deposit the aforesaid costs within a period of 15 days from today and shall be at liberty to recover the same from the salary of the delinquent official(s), in accordance with law.

(ii) It is hoped and expected that the departmental proceeding(s) initiated against the delinquent official(s) shall be undertaken in right earnest and are concluded expeditiously.

(iii) It is further hoped and expected that circular No.30 of 2025 dated 15.09.2025, issued by the DGP, Punjab, shall be scrupulously adhered to and implemented in its true letter and spirit as the said circular cannot be permitted to remain a trifling formality or a mere paper directive but must be effectuated in a manner that ensures its intended purpose is achieved in substance as well as form.

(iv) The Director General of Police, Punjab is directed to file a compliance-affidavit, in terms of direction(s) hereinabove, with the Registrar General of this Court within 90 days from today failure wherein may invite punitive consequences (as per law) for officer(s) concerned.

III. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

September 22, 2025
Ajay

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