



CWP-20507-2023

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

(237)

CWP-20507-2023

Date of Decision : 29.04.2025

Gurwinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. J.S. Mahal, Advocate  
for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

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**KULDEEP TIWARI, J.(ORAL)**

1. Through the instant writ petition, cast under Articles 226/227 of the Constitution of India, a prayer is made for issuance of a direction, upon the respondents No.2 and 3, to grant the 'Police Clearance Certificate' to the petitioner, as he is eligible. However, due to pendency of FIR No.50 (Annexure P-2) dated 23.03.2018, under Section 376 of IPC, 1860, and under Section 10(3) of Scheduled Casts and Scheduled Tribes (prevention of Atrocities) Act, 1989, registered at Police Station Sadar Patti, District Tarn Taran, the authorities concerned, are not granting the Police Clearance Certificate, to the petitioner.

2. Learned counsel for the petitioner submits that twice the matter has been investigated, and a cancellation report thereof, has also been filed. However, despite this fact, 'Police Clearance Certificate', has not been issued to the petitioner.



3. This Court, vide order dated 17.03.2025, had passed the hereinafter extracted order, upon the instant writ petition :-

*“Through the instant petition, cast under Articles 226/227 of the Constitution of India, a prayer is made for issuance of a mandamus, upon the respondents No.2 and 3, to issue the police clearance certificate, as the same was not granted on account of pendency of FIR No.50 (Annexure P-2) dated 23.03.2018, under Section 376 of IPC, 1860 and Section 10(3) of Scheduled Casts and Scheduled Tribes (prevention of Atrocities) Act, 1989, registered at Police Station Sadar Patti, District Tarn Taran.*

*Upon notice, status report dated 15.03.2025, by way of affidavit of Mr. Kanwalpreet Singh, PPS, Deputy Superintendent of Police, Sub Division Patti, District Tarn Taran, on behalf of the respondents No.1 to 3, filed today in the Court. The same is taken on the record. Copy whereof, has been supplied to learned counsel for the petitioner.*

*The status report (supra), reveals that the above mentioned FIR was thoroughly investigated into, and thereupon, a cancellation report has been presented for the second time, before the Special Judge concerned, on 06.01.2025, which is still pending adjudication. However, the status report (supra), does not deal with the issue that even if the FIR is pending against any individual, thus disentitling him to have a police clearance certificate.*

*Learned counsel for the State seeks one more opportunity to file written statement to the instant petition.*

*The asked for request is accepted.*

*Purely in the interest of justice, the case is adjourned to 29.04.2025.”*

4. In deference to the directions (supra), reply dated 26.04.2025, by way of affidavit of Mr. Lovkesh, PPS, Deputy Superintendent of Police, Sub

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Division Patti, District Tarn Taran, on behalf of the respondents No.1 to 3, has been filed by the learned State counsel today in the Court. The same is taken on the record.

5. With the strength of the reply (supra), learned counsel for the State, on instructions imparted to him by SHO Gurcharan Singh, submits that since the authorities concerned, has filed a cancellation report twice, and in case, the petitioner now applies for a 'Police Clearance Certificate' afresh, the SHO concerned, would take a decision in accordance with law.

6. In view of the above, learned counsel for the petitioner submits that he does not wish to press the instant petition, at this stage, and the petitioner shall approach the SHO concerned, by moving apt application, for redressal of his grievance.

7. In case, the petitioner files such an application within a week from today, the latter shall, within 10 days thereafter, would take a final decision, on such application.

8. Consequently, the instant writ petition is **disposed of being not pressed, at this stage.**

**(KULDEEP TIWARI)**  
**JUDGE**

April 29, 2025  
Manpreet

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