

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-30083 of 2014 (O&M)
Date of Decision:27.03.2015

Hari Ram

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. D.S. Bishnoi, Advocate for the petitioner.

Mr. Chetan Sharma, AAG, Haryana for the respondent

NAVITA SINGH, J.

1. Though after framing of charges, a court goes slow in allowing the quashing petition if filed after that, the present petition is being heard as the same was filed before charges had been drawn up. Charge sheet has been put up in court before the petition was filed and the petitioner has not been able to give any reason as to why quashing petition was not filed at the stage of investigation. FIR was registered in District Jodhpur under Section 365 of the India Penal Code (IPC for short) for kidnapping of the present petitioner.

2. During nakabandi, petitioner was recovered from a Safari car and one of the police officials recognized him as a person regarding whose kidnapping the FIR in District Jodhpur had been lodged.

3. However, among the other persons present in the Safari car, there was one Joginder Singh, who at that time pointed towards the petitioner and said that 540 grams of opium milk had been purchased from the petitioner for Rs.25,000/-.

4. State counsel submits that during investigation, the petitioner suffered a disclosure statement regarding sale of the said opium milk to the co-accused.

5. Counsel for the petitioner submits that the disclosure statement is generally obtained by the police which the accused persons make under pressure. If this contention is believed, then in all cases based on the disclosure statements, FIRs would be quashed and there would be no trial in most of the cases. The contention is, therefore, not acceptable.

6. Though the petitioner may have been a victim in the kidnapping case, yet the court cannot be oblivious to the fact that at the time of search of the vehicle when he was found in Safari car, co-accused Joginder Singh had immediately said that part of the contraband had been purchased from the petitioner. Also he suffered a disclosure statement and at this stage the court has no reason to say that the same was obtained under any pressure or threat and that it should not be believed.

7. No ground is found for quashing the FIR.

8. Dismissed.

(NAVITA SINGH)
JUDGE

27.03.2015
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