

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-7331-2015

Date of decision:3.8.2015

AMRIT SINGH

.....Petitioner

Versus

STATE OF PUNJAB AND ANR

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. R.N.Singal, Advocate for the petitioner.

Mr.Varun Sharma, AAG, Punjab

RAJ MOHAN SINGH, J.

Petitioner has filed this petition seeking quashing of FIR No. 253 dated 27.12.2014 registered under Sections 279/304-A at Police Station Sadar Patiala District Patiala on the ground that identity of the driver of the tractor was the subject matter of police investigation. Petitioner was implicated after two months of the alleged occurrence. Real accused Gurvinder Singh Pannu intentionally shown himself to be Amrit Singh and that is how petitioner was proceeded against.

According to learned counsel for the petitioner, petitioner is resident of different village having different parentage. Petitioner is a student having no driving licence or a mobile phone. The alleged incriminating things, which have been shown, do not co-relate vis-a-vis the petitioner and his

belongings.

On 9.3.2015, following order was passed by this Court:-

“Learned counsel for the petitioner vehemently contends that identity of driver of the tractor in question is involved in the present case. Petitioner is sought to be implicated after two months of the alleged occurrence. Petitioner is resident of different village having different parentage. Petitioner is student and is not having driving licence nor the petitioner is owner of mobile which is allegedly shown. According to the petitioner, there is no incriminating material available against him and the police seeks to implicate him on some extraneous reasons.

Notice of motion for 28.4.2015.”

In pursuance to notice of motion, reply has been filed by way of affidavit of Harvinder Singh Virk, PPS, Deputy Superintendent of Police, Rural Patiala on behalf of respondent No.1, wherein it has been disclosed that on the basis of statement of Rajinder Singh, Ex-Sarpanch, of village Uppali, Police Station Sadar Patiala, petitioner was found innocent and his name shall be removed from the array of accused. In fact, Gurvinder Singh Pannu son of Rachhpal Singh, Caste Jat, resident of village Mangna, Police Station Pehowa District

Kurukshetra will be prosecuted. In the reply, it has also been pointed out that at this stage, petitioner is not required in this case in any manner.

In view of aforesaid, at this stage, there is nothing on record to suggest culpability of the petitioner in any manner. Since remedial action would follow, no order is required to be passed.

Petition stands disposed of accordingly.

(RAJ MOHAN SINGH)
JUDGE

August 03, 2015

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