

107

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

**CRM-M No.9107 of 2015
Date of Decision: 01.04.2015**

PRITAM SINGH

.....Petitioner

Vs

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Rajesh K. Sheoran, Advocate as Amicus Curiae.

Petitioner-in-person.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

RAJ MOHAN SINGH, J.

[1]. Petitioner prays for registration of criminal case against respondents No.3 to 6 and issuance of necessary directions to respondents No.1 and 2 to arrest them immediately for causing mental, physical and financial harassment to him.

[2]. Petitioner has submitted that his father Bua Singh had four sons and one daughter. There was a dispute regarding land between petitioner and his brother-Harbhajan Singh. Respondents No.5 and 6 called the petitioner for compromise. On his refusal, Harbhajan Singh (now deceased) along with his wife Malkiat Kaur and son Harbans Singh attacked the petitioner and his wife who was pregnant at that time resulting in mis-carriage. Despite cognizable

offence, Police did not take any action.

[3]. Petitioner filed private complaint against respondents No.5 and 6 and Harbhajan Singh (now deceased) for the offences under Sections 307, 316, 325, 324, 323, and 34 IPC. The matter was compromised on account of undue pressure allegedly exerted by the Illaqa Magistrate.

[4]. Thereafter respondents No.5 and 6 along with Harbhajan Singh (now deceased) started harassing the petitioner and his father. When father of the petitioner Bua Singh appeared before the Police, then Harbhajan Singh (now deceased) and Baldev Singh (both brother of the petitioners) inflicted injuries to petitioner and his father and mother.

[5]. Bua Singh got registered FIR No.26 dated 20.05.1995 under Sections 325, 324 and 34 IPC in which according to stated information of the petitioner, some action was taken against the wrong-doers.

[6]. Petitioner further pleads that on 24.08.1997 respondents No.5 and 6 along with Harbhajan Singh (now deceased) again opened attack on the petitioner and his sister, but no FIR was registered. Again it is submitted that on 18.06.1998 Harbhajan Singh (now deceased) and his son Harbans Singh in connivance with Munshi of Police Station Kahnuwan summoned the petitioner under a conspiracy to kill him but petitioner was released. When the petitioner was approaching home, Harbhajan Singh and his son

Harbans Singh were found sitting with some terrorists. Petitioner changed his way and came to house.

[7]. In the morning of 19.06.1998 it was found that Harbhajan Singh was standing with a terrorist when the petitioner had gone to his field and they attacked the petitioner with iron rod. As a result of that petitioner fell down on the ground and Harbhajan Singh also fell on petitioner and due to some mistake, terrorist attacked resulting in injuries to Harbhajan Singh instead of petitioner. Later on Harbhajan Singh died due to those injuries received at the hands of terrorist.

[8]. False case was lodged against the petitioner vide FIR No.29 dated 19.06.1998 under Section 302 IPC Police Station Purana Shalla, District Gurdaspur by the wife of Harbhajan Singh.

[9]. Learned counsel again submitted that while in custody petitioner moved a representation to the respondent No.2 through Jail Superintendent that a false case has been registered against him by the respondent No.5 in connivance with respondent No.6.

[10]. On 28.08.1998 father of the petitioner filed **Criminal Misc. No.25584 of 1998** before this Court for issuance of direction to official respondents to inquire the case in order to bring true version on record. The said petition was however disposed of on 24.01.2002.

[11]. In FIR petitioner was ultimately convicted and his appeal bearing **CRA-D-30 DB of 2003** was dismissed by this Court on 23.12.2014.

[12]. By way of present petition, the petitioner has sought the

relief as mentioned above.

[13]. In view of facts as enumerated above, it cannot be found that how the statements of prosecution witnesses can be treated to be false particularly when the criminal case resulted in conviction of the petitioner and his appeal against such conviction was dismissed by this Court. Even otherwise in view of Section 195(1)(b) no Court can take cognizance in respect of alleged fabricated false evidence except on complaint in writing by the said Court or by said officer authorised by Court in writing or by some other Court to which that Court is subordinate.

[14]. Having found the petition to be lacking on material particulars, this Court finds that no interference can be made in the petition.

[15]. Consequently, this petition being totally bereft of merit is dismissed as such.

April 01, 2015
Atik

(RAJ MOHAN SINGH)
JUDGE