

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

CWP No.17472 of 2015

Date of Decision: 24.08.2015

Darshan Singh

. . . .Petitioner

Versus

State of Punjab and another

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.P.S. Khurana, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner has assailed the validity of order the dated 24.6.2004 by which freedom fighters pension being paid to him has been ordered to be stopped during the completion of the enquiry.

In short, the case set up by the petitioner is that he had participated in the Quit India Movement and remained in Central Jail, Lahore. He has been receiving freedom fighters pension by PPO No.7395 FF/Punjab under the 'Swatantarta Sainik Sanman Pension Scheme' [for short 'the Scheme'] w.e.f. 30.5.1988. A complaint was made against him by one Ishwar Singh son of Sarova Ram to the competent authority that the petitioner is receiving the pension under the Scheme on the basis of forged and fabricated documents alleging that he had not participated in any freedom movement. On the basis of the said complaint, an enquiry was initiated and during the pendency of the enquiry, the pension of the petitioner has been stopped vide the impugned order dated 24.6.2004. It is alleged that on the basis of the complaint filed by Ishwar Singh, an FIR No.165 dated 21.7.2004 under Sections 420/467/168/471 and 120-B of the IPC was also registered against the petitioner at Police Station

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Sadar, Khanna, which was tried by the Judicial Magistrate, Ist Class, Khanna and convicted the petitioner under the provisions of Section 420 of the IPC as it was found that the petitioner was born on 20.10.1953. However, he was acquitted by the Additional Sessions Judge, Ludhiana on 25.9.2014 by giving him benefit of doubt. Thereafter, the petitioner made an application to the Freedom Fighter Cell of the Government of Punjab for releasing his pension. Since, the pension has not been released so far, therefore, the present petition has been filed.

During the course of hearing, learned counsel for the petitioner was specifically asked about the date of birth of the petitioner which he could not disclose and has also failed to disclose his age at the time he was arrested during the Quit India Movement and detained in the Central Jail, Lahore.

One can easily guess that about 73 years have passed since this Quit India Movement had taken place and if the petitioner was even 18 years of age at that time he should have been 91 years of age at present. However, in the absence of any plausible answer, this Court feels that the order dated 24.6.2004 cannot be set aside as an enquiry is still pending to find out the actual date of birth of the petitioner and as to whether he was in fact a freedom fighter having been detained in Quit India Movement in the Central Jail, Lahore or is an imposter.

Thus, in view thereof, I do not find any merit in the present petition and the same is hereby dismissed.

24.08.2015

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**

VIVEK PAHWA
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