IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.11548 of 2016

Date of decision: 4th April, 2016

Karambir Singh

… Petitioner

Versus

State of Haryana

… Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Ravinder Malik, Advocate
for the petitioner.

FATEH DEEP SINGH, J.

Petitioner Karambir Singh, who is complainant in criminal case bearing FIR No.2 dated 02.01.2013 under Sections 419/420/467/468/471/120B IPC pertaining to Police Station Jhajjar (Annexure P5), has sought quashment of FIR No.326 dated 23.05.2013 (Annexure P10) registered at Police Station Jhajjar under Sections 420/467/468/471/120B IPC lodged by officer of the Bank, M/s Oriental Bank of Commerce against him and others. He has sought to rely upon **'Amitbhai Anilchandra Shah v. The Central Bureau of Investigation and another' 2013(2) RCR (Criminal) 819'** to hammer home the point that since first information report is a report which gives first information with regard to any offence, the second FIR in respect of the same offence cannot be registered and that too, at the behest of the Bank.

Apparently, it is the own admission of the petitioner that he was the owner of plot/property bearing No.48/1 situated in Khasra No.289 in Old Lal Dora of Nangoli Delhi, measuring 265 square yards and had lodged FIR (Annexure P5) on the grounds that the accused in that case has taken away his registered sale deed and facilitated grant of loan by the Bank by depicting him to be the guarantor of principal borrower M/s Chaudhary Trading Company, Pana Hindyan Beri, District Jhajjar, which is the sole proprietor concern, and in the second FIR (Annexure P10) the allegations are to the effect that the accused/present petitioner after obtaining loan from the Bank and manipulating the documents of sale deed has sold this plot to subsequent purchaser in spite of the fact that the property was mortgaged with the Bank as a collateral security.

The question if the present petitioner/accused in the subsequent FIR (Annexure P10) has connived and committed a fraud in alienating the property fraudulently or if as has been alleged by the petitioner in the first FIR (Annexure P5) his registered sale deed was taken away or if the petitioner in order to subvert his criminal act and conduct and that of his co-accused has lodged the first FIR to mislead and thwart the efforts of the Bank to initiate criminal action, are matters which can only be adjudicated on completion of investigations or at the time of trial after evidence is led before the Court. Since investigations are still underway in the present case and in view of the law laid down in **'State of Haryana and others v. Ch.Bhajan Lal and**

others' 1992 AIR SC 604, investigations cannot be stifled at such an initial stage and this Court needs to refrain itself from interfering. Thus, finding no merit, the present petition stands dismissed in limine.

(FATEH DEEP SINGH)
JUDGE

April 4, 2016
rps

Whether to be referred to the Reporters or not?