

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

CRM-M No. 16376 of 2015
Date of decision : December 14, 2016

Kuldeep Singh

..... Petitioner

v.

State of Punjab and another,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. HS Randhawa, Advocate
for Mr. PS Ahluwalia, Advocate
for the petitioner.

Mr. KS Pannu, DAG Punjab

Ajay Tewari, J (Oral)

This petition has been filed for quashing of Kalandra dated 24.2.2015 (Annexure P-1) filed under Section 182 of the IPC against the petitioner.

As per allegations, the petitioner and Beant Singh had approached the Vigilance Department alleging that accused-Tejinder Singh @ Laddi who was working as Panchayat Secretary was demanding

_____ for official work. A raid party was constituted and ultimately

Tejinder Singh was caught red handed while taking ₹ 30,000/- from Beant Singh. However, when the petitioner appeared to give his testimony, he stated that he had not accompanied Beant Singh either to the Vigilance Police Station or for the raid and he had just been called by Beant Singh to go to the BDPO office Sirhind and his signatures were obtained on some blank papers. It was in these circumstances that the instant Kalandra was issued to the petitioner.

Counsel for the petitioner has argued that as on date there is no material on record to show that the petitioner had made a false statement or had given false information.

Learned DAG Punjab, on the other hand, has argued that the other witnesses including the complainant had duly corroborated the case of the prosecution. He has, however, accepted that till date the said case under the Prevention of Corruption Act is not concluded.

In my opinion, at this stage, the prosecution cannot determine that the petitioner has made a false statement and it is only when the Court gives any such finding that any action can be taken against the petitioner. I am fortified by the decision of this Court in Pawan Kumar v. State of Punjab (P&H) 2002(4) RCR (Criminal) 716. Consequently, this petition is allowed and the impugned Kalandra

(Annexure P-1) is set aside. Liberty is, however, given to the State to

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take whatever action which may be required after the decision of the trial Court.

December 14, 2016
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No