

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

CRM M-21833 of 2015

Date of decision : 15.03.2016

Jagjit Singh Lahiri

....Petitioner

V/s

State of Punjab

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Anurag Chopra, Advocate for the petitioner.

Ms. Rajni Gupta, Addl. A.G. Punjab.

RAJAN GUPTA J.

Petitioner seeks quashing of FIR in question. Stand of the petitioner is that investigation was carried out in an illegal manner as section 43(c) of the Unlawful Activities (Prevention) Act, 1967 was not complied with. Sanction as envisaged by Act was not obtained. Investigation ought to have been carried out by an Officer not below the rank of Deputy Superintendent of Police. Prayer has been opposed by learned State counsel. According to her, allegations against the petitioner are serious. He was declared a proclaimed offender. Besides, sanction was granted by the competent authority and matter was investigated by an Officer of the rank of Deputy Superintendent of Police. She has referred to reply by way of affidavit of Ranjit Singh, Deputy Superintendent of Police, Sub Division, Kartarpur.

I have heard learned counsel for the parties.

FIR was registered on the allegations that accused were indulging in unlawful activities. They were in regular contact with

certain anti national elements and were inciting the youth to carry out activities which would harm peaceful atmosphere of Punjab. Stand of the State is that petitioner had formed a group to create terror in the State of Punjab with the help of money and ammunition. He had been inciting the youth to commit serious crimes such as eliminating certain religious heads. Statements of certain persons were recorded under section 164 Cr.P.C. before Judicial Magistrate Ist Class, Jalandhar which supported the prosecution story. Particular reference has been made to averments made in para 4 of the affidavit.

Keeping in view the fact that petitioner has never submitting to the process of law and has already been declared a proclaimed offender, no case for quashing of FIR in interference in inherent jurisdiction of this court is made out. In view of detailed affidavit filed by State, there is no merit in the plea that sanction as envisaged by the Act was not granted by the competent authority or matter was not investigated by a competent Officer. Petition is, thus, without any merit and is hereby dismissed.

March 15, 2016

Ajay

(RAJAN GUPTA)
JUDGE