

CRM NO. M-32701 OF 2015

[1]

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Sr. No.233

CRM NO. M-32701 OF 2015
DECIDED ON: May 24, 2016

SARWAN SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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?

Present: None for the petitioner.

Mr. K.S. Pannu, DAG, Punjab
for respondents No.1 to 3.

Mr. Manoj Kumar, Advocate,
for respondents No.4 to 6.

JASPAL SINGH, J

Instant petition has been preferred under Section 482 Cr.P.C. by Sarwan Singh seeking issuance of direction to respondents No. 1 to 3 to hand over the investigation of the case/FIR No. 82, dated June 16, 2014, registered under Section 307, 506, 148 & 149 IPC & 25, 27 Arms Act at Police Station

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Julka, District Patiala either to an officer not below the rank of Inspector General of Police or to the Crime Branch.

2. Pursuant to notice of motion, reply has been filed by the official respondents No.1 to 3 in the shape of affidavit of Harvinder Singh Virk, PPS Deputy Superintendent of Police, Rural, Patiala, which is taken on record.

3. The preliminary submissions made in paras 2 & 3 of the reply are relevant for the disposal of instant petition, which reads as under:-

“2. That after the registration of FIR, investigation of this case was conducted by Inspector Gurmeet Singh the then SHO P.S.Julka during investigation car of complainant, T-shirt which was worn by him and gunshot were taken into police possession as evidence by preparing separate lists. The statements of concerned person who were lived nearby the alleged place of occurrence were also recorded. During further investigation the call detail record of mobile phones of the accused as well as complainant were obtained by Inspector Gurmeet Singh the then SHO P.S.Julka but it was found that the tower locations of all of them were not matched to the place of occurrence. After the transfer of Inspector Gurmeet Singh the then SHO P.S. Julka Inspector Bhupinder Singh the then SHO P.S. Julka also investigated the matter and reached at the conclusion that the occurrence was not happened in the State of Punjab.

3. During the investigation the accused of case i.e. respondent no. 4 to 6 filed applications for their innocence in this case, to SSP Patiala and these applications were referred to SI Ranbir Singh SHO P.S. Julka District Patiala for enquiry. SI Ranbir Singh SHO P.S.Julka enquired the matter very deeply, and recorded the statement of Jasbir Singh son of Major Singh resident of Village Budhmor who is running shop of repairing of Tyre-Puncture and also doing job at nearby installed Mobile Tower of Airtel company

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who clearly recorded in his statement that he was present there on 13.06.2014 from morning to evening but there was no fight took place and no sound of gunshot was heard except from this some more persons who were present on 13.06.2014 on that spot also interrogated but all of them clearly recorded in their statements that no fight had occurred on 13.06.2014, no one was seen to open fire and no sound of gunshot was heard. Statements of complainant party and accused party were also recorded. During enquiry this fact was came to light that on 02.06.2014 Sarwan Singh sn of Shri Sukhchain Singh present petitioner and others had attacked the house of Vajinder Singh resident of Shih Police Station Cheeka Distt. Kaithal Haryana who is uncle of Amar Singh respondent No. with deadly weapons and injured him and his son Gurdial Singh and Jagjit Singh, and for these offences, they were booked in FIR No. 76 dated 03.06.2014 u/s 307/323/325/326/452/148/149 IPC Police Station Cheeka and Amar Singh respondent No.6 is the prim witness of this case and the above mentioned case was being looked after by Amar Singh respondent No.6 and due to this grudge, complainant Sarwan Singh has got registered FIR No.82 Dated 16/06/2014 under Section 307, 506, 148, 149 IPC and 25, 27 Arms Act at Police Station Julkan, District Patial falsely against respondent No. 4 to 6 merely to escape and to put pressure so that compromise may be effected in FIR No.76 dated 03.06.2014 u/s 307/323/325/326/452/148/149 IPC Police Station Cheeka. During enquiry this fact also came on record that the accused party has no Alto Car and no Arms, the Mobile Tower location of complainant mobile No.9501074561 was also obtaine it clearly shows that on 13.06.2014 at 2.47 P.M. his tower location was at village Ghurham and then at 3.19 P.M. to 3.27 P.M. his tower location was at Shekhupura and then at 4.38 P.M near rajindra Hospital Patiala. The tower location of accused Amar Singh Mobile No.09467564632 was also obtained and found that his tower

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location of 13.06.2014 was Kasba Cheeka from 8.07 A.M. to 8.40 P.M. the tower location mobile No.98158-31828 of accused Rajwinder Singh @ Raja was also obtained which revealed that his tower location before 3.30 P.M was of City Patiala and then after 3.30P.M was Village Budhmor. During enquiry T-shirt of complainant was also examined and found that there is no blackness on that, which shows that no bullet had come in contact with it. As per the enquiry conducted by SI Ranbir Singh SHO P.S.Julkan it is concluded that complainant Sarwan Singh has got registered FIR No.82 Dated 16/06/2014 under Section 307,506,148,149 IPC and 25, 27 Arms Act at Police Station Julkan, District Patiala falsely against respondent No. 4 to 6 merely to escape himself and to put pressure so that compromise may be effected in FIR No.76 dated 03.06.2014 u/s 307/323/325/326/452/148/149 IPC Police Station Cheeka and there was no such incident had took place and no truth was found in FIR registered by the complainant Sarwan Singh. So, SHO P.S.Julkan prepared his report and recommend to cancel the FIR and after agreeing with the same, Superintendent of Police, Investigation, Patiala forwarded this report to SSP Patiala for its approval. The above enquiry report has been approved by SSP Patiala. Accordingly Cancellation report u/s 173 Cr. P.C has been prepared by SI Ranbir Singh SHO P.S.Julkan in FIR No.82 Dated 16/06/2014 under Section 307,506,148,149 IPC and 25,27 Arms Act at Police Station Julkan and which will be sent to Illaqa Magistrate after completion of official formalities in due course.

4. According to which, the matter has been thoroughly investigated by Inspector Gurmeet Singh, the then SHO Police Station Julkan and the allegations contained in the FIR were found to be false. As a result whereof, cancellation report has already been prepared which is likely to be presented in the Court of learned Jurisdictional Magistrate for final orders.

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5. In view of the above facts and circumstances, instant petition has rendered infructuous and same is disposed of as such.

6. However, petitioner shall be at liberty to have recourse to other remedies available to him under law.

May 24, 2016
Ankur

(JASPAL SINGH)
JUDGE