

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-7586 of 2015 (O&M)
Date of Decision: May 11, 2016

Lekh Raj Bhakhray @ Vikrant Sharma

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Satish Bhatti, Advocate
for the petitioner.

Mr.Varun Sharma, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C.
against respondent State of Punjab for quashing of FIR No.185 dated
19.09.2012 under Sections 406, 420 and 120-B IPC registered at
Police Station Bawa Khel, District Jalandhar.

Notice of motion was issued and learned State counsel
appeared and contested the petition and also filed the reply.

At the time of arguments, learned counsel for the petitioner
argued that though the petitioner is named in the FIR but no allegation
has been levelled against him under Sections 406, 420 and 120-B
IPC. Therefore, he argued that the FIR qua the present petitioner
should be quashed.

On the other hand, learned State counsel argued that the petitioner is named in the FIR. Specific role has been attributed regarding his conspiracy with the main accused Sadhna Sharma. He also argued that challan has already been presented and statement of PW Anita has been recorded under Section 161 Cr.P.C. levelling allegations against the present petitioner. Learned State counsel further argued that when the petitioner was apprehended, one car, scooter and four passports were also recovered from him.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

There is statement of PW Anita in which allegations have been levelled under Sections 406 and 420 IPC against the present petitioner. The copy of the challan has also been placed on the record. As per the statement of Head Constable Sukhdev Chand recorded on 23.09.2012 under Section 161 Cr.P.C., it is stated that 4 passports were taken in police possession from the house and one scooter bearing No.PB-08BR-1052 has been taken into police possession after preparing the recovery report. Head Constable Sukhdev Chand is the witness of recovery memo. Again, statement of Head Constable Bachittar Singh recorded under Section 161 Cr.P.C. on 22.09.2012 has also been placed on record, in which, this witness has stated that at the identification of Vikrant, one car from a khokha was recovered at Sirhind which was bearing No.PB-08BN-6656 make Accent. There is mention of the car and scooter and passport etc. in the statements of witnesses that he has taken the car and scooter

from the persons. From the record, in no way, it can be held that no role is attributed to the present petitioner. Otherwise also, in the FIR, the allegations have been levelled against Sadhna Sharma, who committed fraud with 40-50 persons amounting to ₹4 crores and it is in the FIR that her neighbor namely Vikrant (present petitioner), who is also living in that area, help the above-said lady in absconding.

From the perusal of the record, I find that there is nothing on the record to show that there is no involvement or allegation against the present petitioner regarding commission of offence. In no way, it can be held at this stage that registration of FIR and presentation of challan against the present petitioner is abuse of process of law or amount to miscarriage of justice.

Therefore, finding no merit in the present petition, the same is dismissed.

May 11, 2016
Vgulati

(INDERJIT SINGH)
JUDGE