

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-10266-2015

Date of decision: 29.11.2018

Tajinder Singh @ Teji

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. KS Dadwal, Advocate for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C., prayer has been made for quashing FIR No. 32 dated 17.04.2013 (Annexure P-1) registered under Sections 392, 382, 384 and 379 IPC; Sections 15, 18 and 21 of the NDPS Act and Section 25 of the Arms Act at Police Station Begowal, District Kapurthala.

Briefly, on 17.04.2013, a secret information was received by ASI Baljinder Singh, that petitioner along with his five accomplice, namely; Amarjit Singh @ Bawa, Makhan Singh @ Mokha, Bhupinder Singh @ Bunti, Daljit Singh @ Don and Jai Jagat Joshi, by forming different gangs were robbing the vehicles and indulged in smuggling having illicit arms and ammunitions. On that day, they were quarreling qua their share in the ransom money and, if, immediate raid is conducted, they can be apprehended red handed. The secret information was

converted into FIR. However, till date no one has been arrested. The petitioner on coming to know about the aforesaid FIR against him, moved anticipatory bail application which was allowed by the learned Additional Sessions Judge, Kapurthala, vide order dated 06.07.2015 and the petitioner joined the investigation on 13.07.2015, whereas his co-accused, Bhupinder Singh @ Banty and Jai Jagat Joshi, were granted regular bail and final report under Section 173(2) Cr.P.C., against the aforesaid co-accused was also filed under Section 382 read with Section 34 IPC, whereas supplementary challan has recently been filed against the petitioner.

Learned counsel for the petitioner *inter alia* contends that petitioner was not involved in commission of any crime. The aforesaid FIR, has falsely been registered against him by the police, for the reasons best known to it. Complicity of the petitioner has been shown on the basis of his alleged extra judicial confession to one Salinder Singh S/o Gurbachan Singh, which is a very weak type of evidence. Apart from alleged extra judicial confession of the petitioner, the police has no other evidence with it showing complicity of the petitioner.

On the other hand, learned State counsel vehemently refuted the submissions of learned counsel for the petitioner.

After giving anxious consideration to the rival submissions of both the sides, this Court finds merit acceptance of this petition, for the reasons to follow:

As on date, there is no evidence before the police about the commission of any crime by the petitioner.

Initially, the petitioner was booked under Sections 392, 382, 384 and 379 IPC; Sections 15, 18 and 21 of the NDPS Act and Section 25 of the Arms Act. However, supplementary challan under Section 382 read with Section 34 IPC, has recently been filed against him i.e. after more than 3 years, exonerating him under Sections 392, 384 and 379 IPC; Sections 15, 18 and 21 of the NDPS Act and Section 25 of the Arms Act. Therefore, the alleged secret information received by ASI Baljinder Singh, on the face of it, was false.

During the long span of three years, the police did not find complicity of the petitioner in any other crime, which in itself sufficient to draw inference in favour of the petitioner that he is innocent.

In view of discussion made above, this petition is allowed and FIR No. 32 dated 17.04.2013 (Annexure P-1) registered under Sections 392, 382, 384 and 379 IPC; Sections 15, 18 and 21 of the NDPS Act and Section 25 of the Arms Act at Police Station Begowal, District Kapurthala and all the subsequent proceedings arising therefrom, qua the petitioner are quashed.

November 29, 2017

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No