

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

**CRM No.M-22571 of 2018 (O&M)
Date of Decision: September 10, 2018**

Surinder Pal Singh @ Pehalwan

...Petitioner

VERSUS

State of Punjab and another

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Arvind Kashyap, Advocate
for the petitioner.

Ms.Monika Jalota, DAG, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of FIR No.8 dated 30.06.2017 under Sections 420, 467, 468, 471, 120-B IPC read with Section 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, registered at Police Station Vigilance Bureau, F.S. 1, Punjab at Mohali as FIR on these allegations along with other allegations, has already been registered bearing FIR No.6 dated 08.06.2017 under Sections 420, 465, 467, 468, 471, 506, 120-B IPC read with Section 13(1)(d) read with Section 13(2) of Prevention of Corruption Act, registered at Police Station Vigilance Bureau, F.S. 1, Punjab at Mohali.

Notice of motion was issued. Learned State counsel appeared and contested the petition.

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

The only argument of learned counsel for the petitioner is that when FIR No.6 dated 08.06.2017 regarding commission of same offence has already been registered, therefore, separate FIR cannot be registered against petitioner and it will amount to double jeopardy. Therefore, he argued that FIR No.8 dated 30.06.2017 be quashed or at least, it be clubbed with the case relating to FIR No.6 dated 08.06.2017.

After going through the record, especially, FIRs, copies of challan and copies of charge-sheets in both cases, which are placed on record, I find no merit in the arguments of learned counsel for the petitioner. FIR No.6 mainly relates to allegation regarding acts of bribes and earning of amassing properties and regarding forming companies with malafide intention just to convert black money to white money whereas FIR No.8 relates to forgery of official record regarding change of date of birth certificate and preparing false matriculation certificate etc. In both the FIRs, the present petitioner Surinder Pal Singh @ Pehalwan is same accused but other accused are different persons. During investigation of FIR No.6, it has come to the notice that accused has also committed offence regarding change of his date of birth in birth certificate from year 1967 to 1971 and tampered with the record and accordingly prepared forged matriculation certificate with the connivance of other accused. In no way, commission of offence in case relating to FIR No.8 can be held as arising from same transaction or same offence and in no way, can be said to be connected to offence of FIR No.6. The offence in case FIR No.8 is totally different one

that investigation qua that also should be done in case FIR No.6 as both the offences are separate and arisen independently. Therefore, in no way, FIR No.8 dated 30.06.2017 can be quashed.

Learned counsel for the petitioner mainly relied upon a line written in the report under Section 173 Cr.P.C. of case FIR No.6 wherein, it is mentioned that Surinder Pal Singh @ Pehalwan, in the year 1992, having used his fake date of birth certificate, had got him recruited as Junior Engineer in the Department of Punjab Mandi Board. This line in the report under Section 173 Cr.P.C., in no way, relates to FIR No.6. The perusal of the challan and charge-sheet in case FIR No.6, nowhere shows that any charges have been framed qua forging matriculation or birth certificate. The charges regarding forging of certificates have been framed in case relating to FIR No.8 and this FIR cannot be quashed on the basis of one line, which has been mentioned in the report under Section 173 Cr.P.C. of case relating to FIR No.6, unnecessarily.

At the time of arguments, it has been specifically asked/query was put to learned counsel for the petitioner that whether, in the challan relating to case FIR No.6, any statement or document has been produced regarding forging of date of birth certificate and answer was in negative, which means that both these cases are separate arising from separate offences and have no connection with each other.

In view of the above discussion, I find that FIR No.8 dated 30.06.2017 is not liable to be quashed. In no way, it can be held that registration of present FIR is abuse of process of law or amounts to miscarriage of justice. The Court has already taken the cognizance and

charges have already been framed in both the cases.

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

September 10, 2018
Vgulati

Whether speaking/reasoned
Whether reportable

(INDERJIT SINGH)
JUDGE

Yes
No