

**115 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM No. M-23342 of 2018 (O&M)
Date of Decision:29.05.2018**

Jasbir Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Amarbir Singh Salar, Advocate,
for the petitioners.

MAHABIR SINGH SINDHU, J.(ORAL)

The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C') for holding an inquiry and to take appropriate departmental as well as criminal action against respondent Nos.3 to 8 for lodging FIR No.0044 dated 23.3.2018 under Sections 447, 427, 511, 506, 34 and later on added Sections 353 and 186 of the Indian Penal Code (for short, 'IPC'), Police Station, Bhawanigarh, District Sangrur.

It is contended by the learned counsel for the petitioners that as a matter of fact, respondent No.8/Ram Singh - complainant is not the owner of the land in question, rather petitioner No.1/Jasbir Singh is owner of the same, but the complainant in connivance with ASI Rajwant Kumar -

respondent No.3 has got registered the above FIR on totally false and fabricated allegations. Thus, the matter be got enquired and suitable action be taken against respondents Nos.3 to 8. It is further contended that despite his representation dated 02.04.2018 (Annexure P-4), no action has been taken in the matter.

Heard learned counsel for the petitioners and perused paper book.

There is no dispute that the above FIR was registered on the basis of the statement of respondent No.8/Ram Singh and the contents thereof read as under: –

“Stated that I am resident of above said address and doing agriculture. My son is Harbans Singh. Our land measures 01 bigha is in the name of my son and myself, which is on the right side of the road leading from our village to Canal. On this land we have sown fodder (Barsin). There is a street adjoining to our land. On the end of the street, my nephew Jasbir Singh s/o Labh Singh caste Jatt r/o Phumanwal has a house. In order to stop entering animals in our land, we had fenced our land with barbed wire by erecting cement pillar around thereof. On 21.03.2018 at 5:00 a.m., I went to our plot to feed our cattle, then at the turn of the street, Gurpreet Singh @ Guddu, Jasbir Singh s/o Labh Singh, Kuldeep Kaur w/o Jasbir Singh, Sukhdev Singh s/o Mewa Singh caste Jatt, residents of Phumanwal were standing there armed with sticks. They were

trying to take possession of the land in which I had sown Barsin by uprooting the cemented pillars. When I stopped them from doing so, then Sukhdev Singh by hurling an abuse upon me challenged that I should come forward and we will tell you how the land is got transferred from an old person. On account of raising of my voice, Sukhdev Singh ran away on his motorcycle and Gurpreet Singh @ Guddu, Jasbir Singh s/o Labh Singh and Kuldeep Kaur wife of Jasbir Singh along with their sticks in their hands started threatening me at the spot and ran away. In the meanwhile, Jagdeep Singh s/o of Gurdial Singh reached at the spot. I told the entire incident to him. Till today, there was compromise talk going on between us which did not materialise. Today I along with my son was coming to the police chowki for giving information that you have met me on main road, at Bus Stand Kala Jhar along with police party. The reason for this is that Jasbir Singh s/o Labh Singh was trying to occupy my land. Due to this grudge, they uprooted pillars and broken them and I was pushed and pulled and I was threatened of my life and then tried to illegally occupy my land. I have got recorded statement which is correct. Legal action be taken against them."

After registration of the above FIR, the investigation was carried out and even report under Section 173 Cr.P.C. has also been submitted by the police and that fact is duly admitted by the petitioners in

paragraph 11 of the present petition. Learned counsel for the petitioners is not aware as to what is the status of the criminal case pending before the learned trial Court after submission of the challan against the petitioners and there is no challenge to the above FIR as well as the consequential proceedings in the present petition. Since the report under Section 173 Cr.P.C. has already been submitted before the Court of competent jurisdiction, the matter will be examined by the concerned Court in accordance with law.

In view of the above, this Court does not find any merits in the present petition to order any departmental inquiry or criminal action against respondents Nos.3 to 8 and the same is dismissed.

However, it is made clear that the petitioners will be at liberty to raise all the pleas before the learned trial Court at the appropriate stage.

(MAHABIR SINGH SINDHU)
JUDGE

29.05.2018
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No