

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36141-2017 (O&M)

Date of Decision: 30.05.2018

Ranjit Singh @ Rana

.....Petitioner

Vs.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Navkiran Singh, Advocate,
for the petitioner.

Mr. V.G. Jauhar, Sr. D.A.G., Punjab.

Mr. Jasmeet Ghumman, Advocate,
for respondent no. 2.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioner seeks quashing (qua the petitioner alone), of FIR No. 69 dated 14.05.2015, registered at Police Station Goraya, District Jalandhar (City), alleging therein the commission of offences punishable under Sections 302/34/120-B IPC and Sections 25/27/54/59 of the Arms Act.

Mr. Navkiran Singh, learned counsel for the petitioner submits that the allegation against the petitioner only is that he had sold ammunition/bullets of a '7.65 bore' pistol to one Rahul Sood and 5 rounds (bullets) to one George @ Gajni to be used in an 9 mm bore pistol, both of which arms are alleged to have been used in the commission of the crime, i.e. murder of the deceased.

He submits further that even as per the confessional statements allegedly made by the other accused before the police, which in any case are not

admissible in evidence, there is no allegation that the petitioner is actually a conspirator in the commission of the crime, or even that he had any knowledge of any particular crime to be committed; and hence, at best, he can be charged with offences punishable under the Arms Act.

He has also relied upon two judgments of the Supreme Court, in **S. Arul Raja** vs. **State of Tamil Nadu** (2010) 8 SCC 233 and **Vijayan @ Rajan** vs. **State of Kerala** 1999 (1) RCR (Criminal) 824, to submit that simply on the basis of a confession made by any of the accused, a co-accused cannot be convicted.

Learned counsel for the State, on the other hand, submits that admittedly the petitioner not being a licensed armed dealer, the sale of the ammunition, as is alleged to have been made by him, would obviously impute at least knowledge of the fact that the said ammunition may be used in the commission of any crime, and therefore, to absolve the petitioner completely of even possessing such knowledge at this stage, when the trial is under progress and has almost reached its conclusion, would be highly improper.

He has also referred to a judgment of the Supreme Court in **Mehboob Ali and another** vs. **State of Rajasthan** 2015 (4) RCR (Criminal) 944, to submit that even the confessional statement made by a co-accused before a police officer is admissible in evidence, if it leads to the discovery of a fact that forms part of such statement.

Mr. Jasmeet Singh Ghumman, learned counsel appearing for the complainant, submits that as a matter of fact, subsequently, another FIR has been registered, bearing No. 227 dated 16.10.2017, also at Police Station Goraya, alleging therein that the petitioner and other persons attacked the house of the complainant, to pressurize them into not testifying against the accused; and hence,

the complicity of the petitioner is obvious from the said fact.

Having considered the rival arguments, without referring at this stage to the other FIR registered against the petitioner, the trial of the said case admittedly being a completely different proceeding to the one in question in the present petition (arising out of FIR No. 69 dated 14.05.2015), in the opinion of this Court, whether the petitioner had any knowledge of the alleged conspiracy to eliminate the deceased, by the other accused, or whether he is guilty of an offence punishable under Section 304 IPC, because though he may not have had knowledge of the conspiracy to eliminate the deceased (or of any other offence), seeing that he was admittedly not a licensed arms dealer and he yet allegedly sold ammunition, would be naturally gone into by the trial Court, on the basis of evidence led before it.

Consequently, with the aforesaid observation, I do not find reason enough for the FIR itself to be quashed qua the petitioner, with regard to any of the charges that have been framed against him. However, it is again reiterated that whether or not the petitioner was a part of the conspiracy or not, would be an issue to be gone into by the trial Court.

Naturally, the trial Court would not stand prejudiced, in any manner, by the observations made hereinabove by this Court, which is only in the context of whether or not the FIR can be quashed at this stage.

Dismissed.

May 30, 2018
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes.