

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

Crl. Misc. M-414 of 2016 (O&M)
Date of Decision: August 31st, 2018

Robin Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. A.D.S. Sukhija, Advocate
for the petitioner.

Mr. Amandeep Singh Gill, Senior DAG Punjab.

Mr. Pankaj Bhardwaj, Advocate
for the complainant.

JAISHREE THAKUR, J.

1. The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.35 dated 28.01.2014, under Sections 307, 406, 498-A, 342, 506 of Indian Penal Code, registered at Police Station Sadar, Ferozepur.

2. In short, the facts of the case are that a marriage of Tarandeep Singh was solemnized with Amandeep Kaur, daughter of Varinder Pal Singh on 25.11.2013, however, the marriage could not survive the test of the time, which resulted in registration of aforesaid FIR by Amandeep Kaur. The petitioner herein has been challaned as an accused by the police. Tarandeep Singh and his family members approached this High Court by

way of filing Civil Writ Petition No.2368 of 2014 seeking transfer of investigation to an independent agency, on the ground that Amandeep Kaur and her family members were well connected with persons in the police department, and therefore, there would be no fair and free investigation. During the pendency of the writ petition, the officer against whom allegations were being made stood transferred and therefore, the basis of the writ petition did not survive. On this, the High Court by its order dated 07.04.2014 directed the new SSP to call the parties and get gold and other expenses articles recovered from Tarandeep Singh and his family members. Not satisfied with the directions rendered by the said writ petition, Tarandeep Singh and his family members approached the High Court by way of filing LPA No.630 of 2014, contending that even though the ladies of the family appeared before the SSP to return the jewellery and the cars, they were made to wait for a long period of time and still the items were not accepted by Amanndeeep Kaur. It was also contented that the family members were being harassed by Amandeep Kaur and her father Varinder Pal Singh (respondents No.6 and 7 in LPA No.630 of 2014). The LPA Bench, by an order dated 22.04.2014, directed the Director General of Police, Punjab to look into the matter and to ensure that an independent investigation is carried out of the allegations arising from the FIR. However, after the disposal of the LPA, the matter was reopened since, in the meantime, another FIR No.109 dated 18.06.2014 came to be registered under Sections 420, 465, 467, 468, 471, 120-B of Indian Penal Code at Police Station Cantt. Ferozepur on the ground of forgery and FIR No.109 dated 16.04.2014 came to be registered under Sections 383, 506, 386, 115,

120-B of Indian Penal Code and Section 25/27/54/59 of Arms Act at Police Station Sadar Ferozepur on the allegations that Tarandeep Singh and others had given a contract for killing the father of Amandeep Kaur namely Varinder Pal Singh. Thereafter, Civil Misc. Application No.2391 of 2014 came up for hearing on 04.07.2014, on which date the Division Bench was informed that a SIT had been constituted on 03.05.2014 consisting of DIG Bathinda Range, SP Moga and DSP Katkapura. The Division Bench directed a member of the SIT to be present in the court on the next date of hearing to assist the court as to the progress in the investigation. On 11.07.2014, the following orders were passed:-

*“..... In order to have a proper independent probe, we consider it appropriate to direct that **the SIT will work under the supervision of ADGP (Crime) and if the ADGP (Crime) is of the view that any member of the SIT needs to be replaced, he would be free to do so.** The SIT will specifically keep in mind the directions issued in Criminal Appeal No.1277 of 2014 titled as Arnesh Kumar vs. State of Bihar and another on 02.07.2017 by the Hon'ble Supreme Court.” (Emphasis supplied).*

3. The Additional Advocate General Punjab, on instructions stated that all the cases *inter se* the parties stood transferred to SIT and SSP Ferozepur has directed all the officers that in future, if any complaint is filed, the same may be forwarded to the SIT for its consideration. On this statement the CM No.2391 of 2014 in the LPA was disposed off on 7.7.2014.

4. Mr. ADS Sukhija learned counsel for the petitioner argued that the petitioner is not named in the FIR nor is he related to Tarandeep Singh

in any manner, except for the fact that the petitioner was working as driver with his family at the time of marriage of Tarandeep Singh. It is contended that Varinder Pal Singh, father-in-law of Tarandeep Singh is a wealthy and influential person, well connected with police officials. It is submitted that in the challan presented against the petitioner, there is no incriminating material available against him. It is also submitted that the offence under Section 307 of the Indian Penal Code has been added only on the statement given by the complainant Amandeep Kaur regarding the incident that had happened approximately 15 days before the registration of the FIR, without there being any medical examination of the complainant. It is also contended that in the matrimonial dispute between Amandeep Kaur and Tarandeep Singh, the petitioner who is not even related, is being hounded in a ruthless manner. In support of his arguments, learned counsel placed reliance upon *Preeti Gupta vs. State of Jharkhand and others, 2010(4) RCR (Criminal) 45* and *State of Haryana vs. Ch. Bhajan Lal and others, 1992 AIR 604*.

5. Per contra, Mr. Pankaj Bhardwaj learned counsel appearing on behalf of the complainant submits that the complainant has leveled specific allegations against the petitioner in the FIR, thus, the excuse being made by the petitioner that he is just a driver is patently false. It is contended that the investigation shows his involvement in the crime in collusion with Tarandeep Singh husband of the complainant. A similar stand has been taken by Mr. Amandeep Singh Gill Sr DAG appearing on behalf of the respondent State.

6. I have heard learned counsel for the parties, apart from perusing

the record.

7. A perusal of the FIR reflects that there are specific allegations made by the complainant that her husband accused Tarandeep Singh had kept her under illegal confinement at their matrimonial home at Chandigarh and was tormenting her to bring more dowry from her father. That on 22.01.2014, accused Tarandeep Singh brought 4 musclemen with an intention to threaten and harm the complainant physically, as also to continue holding her under illegal confinement. The accused Tarandeep Singh told her that these persons would keep watch over her as he was going abroad. Further, during the course of investigation, the complainant in her statement given to the police under Section 161 Cr.P.C., has named the petitioner as one of the 4 musclemen, who were brought by her husband accused Tarandeep Singh to threaten and harm her and to keep her detained under illegal confinement. It is on these allegations that a challan has been presented against the petitioner and other co-accused in the court on 18.07.2014. A detailed investigation was carried out by the police, before presenting the challan. All these factors, *prima facie* establishes that a specific role has been attributed to the petitioner, and at this stage there is sufficient material available on the record to challan the petitioner herein. The case laws relied upon by learned counsel for the petitioner are not applicable to the facts and circumstances of the present case since section 307 IPC has also been invoked . It is not a case where there are allegations pertaining only to cruelty and demand of dowry.

8. In view of the above discussion, no ground is made out to quash the FIR in question. However any observations made hereunder are

only for the purpose of deciding the instant petition and not an opinion on the merits of the case which is to be decided on the basis of evidence led. Accordingly, the petition in hand is hereby dismissed.

August 31st, 2018
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No