

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

CRM-M-53314-2018

Date of Decision:-03.12.2018

Jasvir Singh and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Karan Bhardwaj, Advocate
for the petitioners.

GURVINDER SINGH GILL, J. (Oral)

The petitioners seek issuance of the directions to respondents No.1 to 3 to perform their imperative corresponding duty to take appropriate action against respondent No.4.

Learned counsel for the petitioners submits that although initially the petitioners along with 5 other persons had made a complaint dated 24.03.2010 (Annexure P-2) to the police but subsequently 3 of the said complainants turned around and raised allegations against petitioners-Daler Singh and Jasvir Singh as recorded in report dated 22.05.2010 (Annexure P-5). Subsequently FIR No.45 dated 11.03.2011 under Sections 420 & 406 of Indian Penal Code, 1860 Police Station, City Ferozepur, District Ferozepur

(Annexure P-6) was lodged against the petitioners, which was duly inquired into by an Officer of the rank of Senior Superintendent of Police, Ferozepur, wherein the petitioners were found to be innocent as would be evident from report dated 23.04.2011 (Annexure P-7). It has further been submitted that matter was again inquired into afresh by the successor of Senior Superintendent of Police, Ferozepur who also agreed with the aforesaid report as would be evident from the report dated 09.12.2011 (Annexure P-9). Learned counsel has submitted that somehow subsequently, although the Director General Police had again directed the matter to be examined afresh but the police hurriedly filed the challan against the petitioners. The learned counsel has further submitted that the matter has again been examined and it has again been reported that Inspector Samsun and Inspector Gurdeep Singh had presented challan against Jasvir Singh and Daler Singh in an illegal manner and did not arrest the real culprits Rakesh Chauhan and Naveen Kango.

It has however been informed by learned counsel for the petitioners that trial is going on and the matter is at the stage of recording prosecution evidence wherein the aforesaid reports in favour of the petitioners have been exhibited and the Investigating Officer has been confronted with the same. The learned counsel has restricted his prayer to issuance of directions to the effect that above-mentioned documents be looked into by the trial Court.

Having heard learned counsel for the petitioners and bearing in mind that the trial Court is already seized of the trial wherein prosecution evidence is being recorded, the petition is disposed of with a direction to

trial Court to take into the account aforesaid reports alongwith other evidence on record, i.e. report dated 22.05.2010 (Annexure P-5), report dated 23.04.2011 (Annexure P-7), report dated 09.12.2011 (Annexure P-9), letter dated 26.09.2011 (Annexure P-10) and report dated 20.09.2018 (Annexure P-11) conducted by various officer at different stages at the time of passing decision in the matter, which are stated to have been brought on record before trial Court.

The petition stands disposed of in the above-mentioned terms.

(GURVINDER SINGH GILL)
JUDGE

03.12.2018
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No