

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-5572-2018(O&M)
Date of Decision: 27.03.2018

Paramjit Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. R.S. Randhawa, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J (Oral)

Instant petition has been filed under Section 482 Cr.P.C seeking quashing of FIR No.6 dated 12.7.2012 under sections 13(1) read with section 13(2) of Prevention of Corruption Act and section 120-B I.P.C, registered at Police Station, Vigilance Bureau, Amritsar.

Briefly, it may be noticed that FIR has been registered on the allegations that during the crop year 2010-2011 and after purchasing paddy from different *mandis* about 494385 bags weighing 173034.75 quintals paddy as per Govt. Policy was stored and entrusted to M/s Hargobind Rice Mills, Kalanaur for shelling but a substantial amount of paddy stock has been misappropriated.

Counsel for the petitioner has argued that it was the petitioner himself who had made the complaint regarding shortfall of paddy bags during physical verification of M/s Hargobind Rice Mills, Kalanaur to the Deputy Manager, Punjab Warehousing Corporation and in spite of being the whistle blower in the present case, he has been falsely implicated. Further contended that even as per challan that has been presented and on the basis of the documents which form part of the challan, no offence is made out

against the petitioner warranting trial under section 13 of the Prevention of Corruption Act or for the other offences which are cited in the FIR.

Counsel for the petitioner has been heard at length.

The conceded position of fact is that investigation having concluded the final investigation report was presented and a copy of the same has been placed on record at Annexure P-16. Perusal of the final investigation report would prima facie indicate complicity of the present petitioner as regards connivance with the other co-accused as he in the capacity of Manager had been deputed for supervision of the stock entrusted to M/s Hargobind Rice Mills.

In the considered view of this Court, the allegations against the petitioner would have to be proved by the prosecution by leading cogent and credible evidence.

It stands conceded by counsel that after presentation of challan, even charges have been framed and trial has progressed inasmuch as two prosecution witnesses have also been examined.

Counsel has not demonstrated the present quashing petition to fall within the parameters laid down by the Apex Court in the landmark judgement of *State of Haryana and others Vs. Ch. Bhajan Lal & others, AIR 1992 Supreme Court, 604* for this Court to quash the criminal prosecution while exercising powers under Section 482 Cr.P.C.

Intervention in the matter is not warranted.

Petition is dismissed.

It is, however, made clear that this Court has not examined the case on merits and it would be open for the petitioner to raise all pleas that may be available to him in accordance with law before the Trial Court.

(TEJINDER SINGH DHINDSA)
JUDGE

27.03.2018

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No