

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

CRM-M-22770-2011 (O&M)

Date of Decision:09.09.2019

Gurdev Singh Bullar

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM : HON'BLE MS. JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Mohinder Kumar, Advocate
for the petitioner.

Mr. Gaurav Garg Dhuriwala, Addl. A.G. Punjab.

Mr. Vikram Chaudhari, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is to issue a direction for entrusting inquiry into the matter to Central Bureau of Investigation (CBI) against respondents No.5 and 6 as they have taken over 95% of the cable business in Punjab and are causing loss to the tune of Crores of rupees annually to the Government. These petitions are pending since 2011 and being adjourned on one pretext or other.

2. Learned counsel for the petitioner submits that the petitioner is registered Cable Operator in Amritsar under the name and style "M/s Godfather Communications". Grievance of the petitioner is that respondents No.5 and 6 have taken over the complete cable business in the State of Punjab and in this manner they are causing huge financial loss to the Government exchequer as respondent No.5 was Deputy Chief Minister in the last tenure.

3. Reply by way of affidavit of respondents No.1 to 3 is on record. Perusal of the reply shows that respondent No.7 was the authorized Distributor of various communications and on his complaint "FIR No.302 dated 27.12.2010 u/s 51, 52-A, 63 of Copy Right Act 1957, Police Station Sadar Amritsar, FIR No.240 dated 14.07.2011 under Sections 37,51,52-A,63,65,68 of Copy Right Act 1957 Police Station Civil Lines, Amritsar and FIR No.31 dated 13.07.2011 under Sections 37,51 of Copy Right Act 1957 Police Station D Division, Amritsar, respectively were registered for unauthorized broadcasting of Channels in different localities. In the subsequent affidavit also, the details of the FIRs registered against the persons who were found unauthorizedly broadcasting of channels in different areas of the State of Punjab are given. Learned State counsel has stated that in FIR No.31 dated 13.07.2011, out of 13, 11 prosecution witnesses have been examined. Similarly in FIR No.37 dated 16.8.2011, 14 prosecutions witnesses have been examined and in FIR No.41 of 2011, the entire prosecution evidence has been concluded whereas in FIR No.240 dated 14.7.2011, the petitioner has been acquitted. It is stated that on account of the registration of the FIR, the present petition has been filed.

4. After hearing learned counsel for the parties, finding that the only prayer in this petition for entrusting inquiry into the matter to Central Bureau of Investigation (CBI) against respondents No.5 and 6 as they have taken over 95% of the cable business in Punjab and are causing loss to the tune of Crores of rupees annually to the Government, petition under Section 482 Cr.P.C is not maintainable as from the bare perusal of the case, no offence is made out. Moreover even after change of government, there is no complaint from the Government side in this regard. Moreover, the

petitioners and others themselves are facing criminal prosecution.

5. Accordingly, this petition is dismissed. However, liberty is granted to the petitioner to avail alternate remedy regarding his grievance with regard to the Evasion Tax, if any, in accordance with law.

09.09.2019
rajeev

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No