

CRM-M-27828 of 2017

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

CRM-M-27828 of 2017
Date of Decision: 12.03.2019

Bhola Singh alias Harbilas Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Akshay Jain, Advocate, for the petitioner.
Mr. Harpreet Multani, AAG, Punjab.
Mr. J.S. Dhaliwal, Advocate, for respondent No.2.

RAMENDRA JAIN, J. (ORAL)

Vakalatnama on behalf of respondent No.2 filed in Court today is taken on record.

Through instant petition under Section 482 Cr.P.C. prayer has been made for quashing FIR No.133 dated 29.12.2016 (Annexure P-1) registered under Sections 304-A, 279, 427 IPC at Police Station Bhikhi, District Mansa.

In nutshell, in the morning of 27.09.2016 Jangir Singh father of respondent No.2 died in a motor vehicular accident caused by the petitioner. Immediately thereafter, petitioner and his brother Kala Singh promised to pay some compensation to respondent No.2, in lieu of death of his father, but finally refused to pay the same. Consequently, respondent No.2 on 14.10.2016 approached the SHO of concerned police station, who called both the sides with respectables of the village, before whom also the petitioner and his brother admitted their guilt of causing death of Jangir Singh due to their fault. However, police did not register FIR on the

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complaint of respondent No.2 forcing him to approach this Court by way of CRM-M-12304 of 2017 wherein a Co-ordinate Bench of this Court vide order dated 18.04.2017 asked the Deputy Commissioner, Mansa, to decide representation dated 30.01.2017 of respondent No.2 by passing a speaking order within a period of three weeks. Thereafter, matter was re-investigated and FIR aforesaid was registered against the petitioner.

Learned counsel for the petitioner *inter alia* contends that offence under Section 304-A IPC is not made out, because there is no allegation of rash and negligent driving of crane mounted vehicle by the petitioner. There is no post-mortem report and any evidence to show that Jangir Singh had expired in some motor vehicular accident.

On the other hand, learned counsel for respondent No.2-complainant refuting the above submissions contends that post-mortem was not got conducted on promise of the petitioner to pay him Rs.7.00 lakh as compensation for the death of his father Jangir Singh, which he believed, as petitioner was his co-villager. However, later on petitioner and his brother Kala Singh became dis-honest and did not pay the aforesaid promised compensation. Petitioner and his family members are harassing respondent No.2, tooth and nail. They are out and out to grab the property of respondent No.2. Respondent No.2 in person also told that his cousin Veerpal Singh was beaten to death by petitioner, his brother Kala Singh and Dhanna Singh, by illegally confining him in the house of one Mahinder Singh son of Dalip Singh.

Having given thoughtful consideration to the rival submissions of both the sides, this Court finds the instant petition completely devoid of any

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173(2) Cr.P.C. against the petitioner to face trial under Sections 279, 304-A and 427 IPC. Matter requires appreciation of evidence to be led by prosecution during trial. Therefore, in this petition under Section 482 Cr.P.C. impugned FIR cannot be quashed.

Dismissed.

March 12, 2019
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No