

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

247

CRM-M-30400-2017 (O&M)

Date of decision: 14.08.2019

Shamsher Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: None for the petitioner.

HC Harpreet Singh.

ANIL KSHETARPAL, J. (ORAL)

The petitioner had filed this petition under Section 482 of the Code of Criminal Procedure with the following prayers:-

“It is, therefore, respectfully prayed that present petition may kindly be allowed and be further pleased to take action against the culprits for violating the orders earlier passed in Crl. Misc. M-20672 of 2017 titled as “Shamsher Singh V. State of Punjab and others” and action for lodging the FIR against the culprits may also kindly be taken as well as life and liberty of the petitioner along with family members may kindly be protected, keeping in view the sequel of the facts mentioned below in the interest of justice.

OR

To issue any other appropriate order or direction which this Hon'ble Court may deem fit and proper under the peculiar facts and circumstances of the present case.”

Reply by way of affidavit of Manpreet Singh, Deputy Superintendent of Police, Circle Amloh, District Fatehgarh Sahib has been filed in which it has been stated as under:-

“That in the present petition, the petitioner has prayed for taking action against the culprits for violating the orders passed in CRM-M-20672-2017, titled as 'Shamsher Singh Vs. State of Punjab etc.' In this regard, it is submitted here that the respondent No.6 filed an application No.1286/Peshi, dated 05-05-2017 against the petitioner before the respondent No.2 and when the petitioner came to know about this fact, he filed CRM-M-20672-2017 in the Hon'ble High Court to safeguard himself from any legal action. In her complaint, the complainant/respondent No.6 alleged that during her residence at Mandi Gobindgarh, the petitioner promised her to get sanctioned a loan to her from HDFC Bank. After winning her confidence, the petitioner took Rs.1 lac and 4-5 blank signed cheques from her on 24-04-2017. But the petitioner neither got any loan sanctioned nor returned any money to her. The inquiry of this application was marked to respondent No.3. During inquiry, despite best efforts made by the inquiry officer, the petitioner did not join the inquiry. The allegations levelled in the application against the petitioner were found to be true and correct and the inquiry officer recommended to register a case against the petitioner and forwarded his report to DSP, Circle Amloh. The DSP, Circle Amloh sent his report to respondent No.2. The respondent No.2 then sent the said report to DA (Legal), Fatehgarh Sahib for his legal opinion in the matter. On 07-07-2017, District Attorney (Prosecution), Fatehgarh Sahib opined that offence under Sections 406/420 of IPC is made out against the petitioner. The respondent No.2 then directed the respondent No.3 to register a case and investigate.

Accordingly, FIR No.149, dated 07-07-2017, under Sections 406/420 of IPC was registered at P.S. Mandi Gobindgarh against the petitioner. After due investigation, challan of this case was presented in the learned trial Court on 09-10-2017. Now the said case is pending for 25-02-2019 for further proceedings.

In aforesaid CRM-M-20672-2017, directions were issued to the DGP, Punjab Police, Chandigarh to look into the

representation dated 08-05-2017 (Annexure P-3 of that petition) within a period of 4 weeks. After receipt of these directions, DIG, Patiala Range, Patiala, forwarded letter No.19182/Reader Crime, dated 22-06-2017 to the respondent No.2 and directed to ensure action as per law. Vide letter No.30242/Litigation, dated 10-07-2017, the respondent No.2 informed above said facts to the DIG, Patiala Range, Patiala. The respondent No.2 further disclosed that directions have been issued to DSP, Circle Amloh to ensure the protection of life and liberty of the petitioner as per law.”

It has been noticed from the reply that the petitioner is an accused in a criminal case i.e. FIR No.149 dated 07.07.2017 under Section 406 and 420 of the Indian Penal Code and the proceedings are pending before the Court of competent jurisdiction.

In CRM-M-20672 of 2017, this Court had only directed the Director General of Police, Punjab to look into the representation Annexure P-3. In response to the same, the petitioner was provided necessary security to ensure his life and liberty and the statement of the petitioner was also recorded on 08.09.2018.

From the reading of the reply, it is apparent that the petitioner was involved in 7 cases and out of which in 2 cases, he has been acquitted and in one case, cancellation report has been submitted.

Keeping in view the aforesaid facts, this Court does not find any good ground to pass further directions.

In view thereof, the present petition is disposed of.

14.08.2019

D.Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No