

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-38811-2014 (O&M)

Date of Decision:-14.1.2019

Rajnish Kumar Saggu

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Pradeep Sharma, Advocate for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

Ms. Gurvir K. Gill, Advocate for respondent No.3.

GURVINDER SINGH GILL, J.(Oral)

By way of filing this petition, the petitioner has approached this Court seeking quashing of FIR No.156 dated 5.7.2007 registered at Police Station Sadar Jalalabad (West) under Sections 420, 465, 467, 471 and 120-B of Indian Penal Code, 1860.

The learned counsel for the petitioner has submitted that the petitioner is not named in the FIR at all and that it was subsequently when the prosecution moved an application under Section 319 Cr.P.C. that Rupinder Singh, LO, Ved Parkash, Raj Kumar, Clerk, Irrigation Department and Ranjit Singh, Manager, OBC Bank, New Grain Market, Patiala were ordered to be summoned to face trial alongwith other co-accused vide order dated 3.10.2012 passed by learned Judicial Magistrate 1st Class, Jalalabad.

Subsequently, vide order dated 10.4.2014 the learned Judicial Magistrate 1st Class, Jalalabad upon an application moved by complainant Sarwan Singh that infact accused Ranjit Singh is also known by the name 'Rajnish Kumar Saghu' ordered for issuance of fresh summons while accepting the aforesaid application moved on behalf of the complainant. Subsequently, vide order dated 22.4.2014 non-bailable warrants were issued for securing presence of the petitioner Rajnish Kumar Saggu.

The learned counsel for the petitioner has submitted that infact the petitioner has falsely been implicated in the present case and has nothing to do with the alleged offence, which as per FIR, was committed in the year 1996 when infact the petitioner was not even serving the bank in question. The learned counsel has submitted that infact the petitioner had joined the bank on 3.5.2007 when he was posted as Senior Manager, Branch Office at New Anaj Mandi, Patiala where he served, as such, till 3.9.2008. The learned counsel for the petitioner has submitted that the petitioner had infact been cited as a prosecution witness by the police.

The learned counsel for respondent No.3-complainant, who is present has not disputed the aforesaid fact and has submitted that it was mainly on account of the fact that the police had cited the present petitioner as a 'prosecution witness', which led the complainant to believe that the petitioner had remained as a Manager in the bank when the offence was committed. The learned counsel for the complainant has moved an application seeking permission to place on record an affidavit on behalf of the complainant alongwith Annexures P-3 and P-4. The said affidavit is accompanied by the information furnished to the complainant under

provisions of Right to Information Act, 2005 pertaining to the list of employees working in Oriental Bank of Commerce, Patiala during the relevant period. However, the said list does not include the name of the present petitioner.

The learned State counsel could not also dispute the fact that the petitioner had joined the bank much after commission of the offences in question.

In view of the aforesaid position, the petition is accepted and it is ordered that orders dated 10.4.2014 and 22.4.2014 passed by learned Judicial Magistrate 1st Class, Jalalabad are hereby quashed to the effect that the petitioner is not to be treated as an accused in the FIR in question. While further clarifying, it is ordered that the petitioner not being an accused in the FIR in question is not to be prosecuted and all the proceedings pending against the petitioner shall be dropped.

The petition stands accepted accordingly.

14.1.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No