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

**CRM-M-57263-2018
Date of decision-18.01.2019**

Gaurav Sharma @ Goru Bachha

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. S.S.Gill, Advocate for the petitioner.

MANOJ BAJAJ, J.

Gaurav Sharma @ Goru Bachha has filed this petition under Section 482 of Code of Criminal Procedure for quashing of FIR No.380 dated 22.11.2018 (Annexure P-4) under Sections 302, 115 and 120-B of the Indian Penal Code registered at Police Station Sahnewal, District Ludhiana.

Learned counsel for the petitioner has argued that earlier the petitioner was indicted in case FIR No.330 dated 07.10.2018 under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 Act (in short 'NDPS Act') registered at Police Station Division No.5, Ludhiana, wherein the recovery was effected from accused, namely, Maninderjit Singh @ Sunny @ Kukkar. Subsequently, he was also indicted in the case and his judicial remand was sought vide application dated 20.10.2018 (Annexure P-2). The attention of the Court is invited to the order dated 15.11.2018 (Annexure P-3) whereby the petitioner was discharged by the Special Court, Ludhiana in case FIR No.330 dated 07.10.2018.

Learned counsel for the petitioner contends that since the petitioner already stands discharged in case FIR No.330 dated 07.10.2018 vide order dated 15.11.2018 of Special Court, Ludhiana, therefore, FIR bearing No.380 dated 22.11.2018 is not sustainable. As per the allegations, the complainant had over-heard conversation between two persons relating to commit the murder of complainant who were saying that complainant is having enmity with the petitioner as he is elected as President of his party by force. Further, complainant heard that the petitioner has already sent three pistols with 25 live cartridges to the persons for his murder.

It is not disputed by the learned counsel that the investigation of the case is pending and the petitioner is neither been arrested nor he ever applied for grant of bail. After hearing learned counsel for the petitioner, this Court is of the opinion that the previous case in FIR No.330 has no bearing upon the FIR No.380 and the argument is absolutely misplaced. The discharge order relates to the offence under NDPS Act whereas FIR in the present case filed for the other offences punishable under Indian Penal Code.

In view of the above, there is no merit in the petition and the same is dismissed.

(MANOJ BAJAJ)
JUDGE

18.01.2019

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