

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

CRM-M-8348 of 2020

Date of decision:26.02.2020

Semwal and others

... Petitioners

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Gurmeet Singh Saini, Advocate
for the petitioners.

SUVIR SEHGAL, J.

The petitioners have approached this Court under Section 482 of the Code of Criminal Procedure for issuance of an appropriate direction to respondents No.2 to 6 for not harassing them by adding their names in the FIRs only on the basis of suspicion, which were registered against unknown persons. A further prayer has been made that the respondents be directed to conduct fair investigation in the cases registered against the petitioners and that further investigation of the cases be transferred to any other officer belonging to any other district.

The petitioners are doing the work of sale and purchase of domestic animals. They allege that their names have been added in three different FIRs on the basis of suspicion. They apprehend that their names might be added in some other FIRs which are registered against unknown

persons. Petitioner No.2 has submitted a representation dated 28.01.2020 (Annexure P-4) to the Senior Superintendent of Police, Ferozepur with the request that the more criminal cases may not be planted on him and other persons merely on the basis of suspicion.

A perusal of the paper book shows that three FIRs were registered in which the petitioners' names have cropped up. The first FIR bearing No.178 dated 17.12.2019 under Sections 457 and 380 of Indian Penal Code, 1860 (for short 'IPC') Police Station Sadar Kotkapura, District Faridkot was registered on the statement of Malkeet Singh son of Balwant Singh against certain unknown persons with the allegation that his animals have been stolen by someone. On 23.12.2019, the names of the petitioners and two co-accused were added. Second FIR bearing No.01 dated 17.01.2020 under Sections 457 and 380 IPC, Police Station Mallanwala, District Ferozepur was registered on the statement of Avtar Singh son of Roor Singh on similar allegation. Subsequently, on a supplementary statement of the complainant which was recorded on 19.01.2020, the complainant named the petitioners and some other persons. On the basis of his statement, the names of the petitioners and co-accused were added. In the third FIR bearing No.07 dated 27.01.2020 under Sections 457 and 380 IPC, registered at Police Station Mamdot, District Ferozepur, the complainant Angrej Singh son of Sajjan Singh alleged that petitioner no.1 and his co-accused Kewal Singh had stolen his animals. The petitioners claim that the incident in third FIR allegedly took place on 18/19.12.2019

but the FIR was registered on 27.01.2020 after unexplained delay of more than one month. Still further, the petitioners claim that earlier also, FIR was registered against a co-accused, Sonu in District Gurdaspur on the allegation that he had committed theft of the domestic animals and on his disclosure statement, the name of petitioner No.1 was added. The petitioners claim that they have been accused merely on suspicion.

The entire claim of the petitioners is based on an apprehension. All the three above named FIRs, are at the stage of investigation. Court cannot interfere with investigation particularly when there is nothing on record to indicate that the Investigation Officer is not functioning in a fair manner. The petitioners have failed to give even a single instance or elaborate in any manner as to how the investigation which is being carried out in the three FIRs is in any way unfair or biased. Moreover, no blanket direction can be issued to respondents No.2 to 6 not to add the names of the petitioners in FIRs.

Dismissed.

February 26, 2020
savita/komal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No