

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

CRM-M-62254 of 2018
Date of Decision: 03.03.2020

National Investigation Agency

...Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. S.S. Sandhu, Advocate, for the petitioner.
Mr. Pawan Sharda, Sr. DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C. petitioner National Investigation Agency has sought quashing of order dated 15.10.2018 (Annexure P-3) of the Principal Magistrate, Juvenile Justice Board, Ludhiana, whereby its application to discharge respondent No.2 was dismissed.

Briefly, FIR No.27 dated 04.02.2016 under Section 307 read with Section 34 IPC and Section 25 of the Arms Act was registered at Police Station Basti Jodhewal, Ludhiana, qua murderous attack on Mr. Amit Arora. During the course of investigation, Sections 10, 11, 13 and 16 of the Unlawful Activities (Prevention) Act, 1967 (in short 'the Act') were added. Punjab Police, after completion of investigation, filed chargesheet initially against one Amit Arora and seven others, including respondent No.2. Further, a supplementary chargesheet was filed on 10.10.2016 against one Samar D'Souza. On noticing multiple incidents of attack upon people of religious organisations in between 2016 and 2017 and registration of various cases by the police in different areas, Government of India, Ministry

of Home Affairs, exercising its powers under Section 6(4) read with Section 8 of the National Investigation Act, 2008 formed an opinion that all such incidents should be investigated by National Investigation Agency. Thus, Ministry of Home Affairs vide its order No.11011/38/2017-IS.IV dated 08.12.2017 directed the National Investigation Agency to take up investigation in the aforesaid cases. Pursuant thereto, National Investigation Agency registered case RC 24/2017/NIA/DLI dated 10.12.2017 at Police Station NIA, Delhi, under Section 307 read with Section 34 IPC, Sections 10, 11, 13, 16 of the Act and Section 25 of the Arms Act and proceeded for further investigation, even in those cases also which were pending in Courts, including Juvenile Justice Board, where case of respondent No.2 was sent on finding that he was a juvenile. The Courts were requested to stay proceedings before conclusion of investigation by it. Said application of the petitioner was rejected by the Principal Magistrate Juvenile Justice Board, Ludhiana, vide impugned order dated 15.10.2018.

Heard.

Petitioner during investigation found respondent No.2 as innocent. Thus, it does not want to proceed against him. Therefore, impugned order dated 15.10.2018 is set aside. Respondent No.2 is, thus, ordered to be discharged.

Disposed of.

March 03, 2020
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No