

Sr.No.118

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

CRM-M-6075 of 2021

Date of decision:10.02.2021

Bupinder Singh and another

... Petitioner(s)

versus

State of Punjab and another

... Respondent (s)

Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present: Mr. P.K.S.Phoolka, Advocate
for the petitioners.

Mr. Luvinder Sofat, Asst.AG, Punjab.

Through Video Conference

Jasgurpreet Singh Puri, J.(Oral)

Present petition has been filed under Section 482 Cr.P.C with a prayer for quashing of FIR No.0217 dated 28.09.2020 registered under Sections 365, 323 IPC (Sections 364-A, 325 IPC added later on) registered at Police Station Maur, District Bathinda.

As per the FIR (Annexure P-1) which was lodged on the basis of statement made by Karan Kumar Mangla son of Sh. Makhan Lal, it is stated that he has done his B.Tech (IT) and is habitual of taking small quantity of narcotic intoxicants and today morning one Jagdeep Singh @ Nikka son of Kala Singh resident of Ward No.4 near Kirna Hospital, Maur Mandi with whom he is friendly and is doing work of hair cutting and told him that today at 1:00 pm he will come outside his house and as per the promise he started waiting for Jagdeep Singh @ Nikka and after some time, another vehicle arrived which was being driven by Harpreet Singh son of Sher Singh (petitioner No.2) and alongwith him on the front seat was

Bhupinder Singh son of Atma Singh (petitioner No.1) alongwith other person namely, Mangal Singh son of Sukcharan Singh and Jagdeep Singh @ Nikka son of Kala Singh were sitting and all these four persons whom he knew earlier immediately after stopping the car and getting down, came to him. Thereafter, Bhupinder Singh (petitioner No.1) held him from his arm and his mobile phone fell down. Then Bhupinder Singh (petitioner No.1) and Mangal Singh, Harpreet Singh (petitioner No.2) and Jagdeep Singh @ Nikka picked him and dropped him in the car. Harpreet Singh (petitioner No.2) alongwith other persons in the above mentioned car by driving, kept on moving in the market around Maur Mandi. Jagdeep Singh @ Nikka is also habital of taking narcotic intoxicants and they were demanding money from him for purchasing intoxicant and he totally refused them to give money and due to this motive, in order to get money from him they had a common intention and they kidnapped him and further demanded Rs.5 lakhs from him in the car and said that he should bring the money from his family members. In the market all these four persons had beaten him up in the car and due to fear they said him that he should get money and in the meantime they took the car towards Ram Nagar Kanchian Maur Mandi and upon reaching there, the driver of the car suddenly applied the brakes and immediately, by putting in reverse gear, tried to run the car in back side and got stopped and all these four persons came down from the car and ran away. It has been further stated in the FIR that had he not been rescued then these persons would have caused him grievous harm.

Learned counsel for the petitioners has submitted that lodging of the present FIR against the petitioners is an abuse of the process of law as it is apparent from the facts which have been stated in the FIR that no

offence would be made out especially in view of the fact that the alleged persons were roaming around in the market for long time which renders the story as improbable.

After the investigation of the case, police has prepared the challan and presented the report under Section 173 Cr.P.C against four accused including both the petitioners.

At this stage, learned State counsel on instructions from SI Renu has submitted that the matter has been thoroughly investigated and consequently, challan has been presented to the Court and the matter is now fixed for framing of charges. He has further submitted that the present FIR cannot be quashed at the threshold particularly, in view of the fact that disputed questions of facts are involved and neither any question of law is available with the petitioners nor any other ground is available with the petitioners seeking quashing of the FIR at the threshold.

I have heard the learned counsel for the parties.

A perusal of the FIR would show that direct allegations have been attributed to the petitioners which are absolutely serious in nature. The case pertains to kidnapping of a person for ransom and for that investigation was conducted by the police and report under Section 173 Cr.P.C was presented to the Court and now the matter is pending for consideration for framing of charges. The law with regard to the quashing of FIR is well settled. The Hon'ble Supreme Court in ***State of Haryana vs. Bhajan Lal*** 1993 AIR (SC) 1348 has laid down various parameters according to which an FIR and other criminal proceedings can be quashed. However, in the present case parameters as laid down by the Hon'ble Supreme Court in Bhajan Lal's case (supra) are not fulfilled. Consequently, there is no ground

for interference by this Court and the present petition is hereby dismissed.

However, nothing stated hereinabove, shall be construed to be
an expression on the merits of the case.

10th February, 2021
Shivani Kaushik

[JASGURPREET SINGH PURI]
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
Whether Reportable	Yes/No