

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

CRM-M-28795-2020 (O&M)

Date of Decision: 17.02.2021

Rajinder Pal

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kuldeep V. Singh, Advocate for the petitioner(s).

Mr. Amit Mehta, Sr. DAG, Punjab,
assisted by ASI Rajpal Singh.

Mr. B.S. Jatana, Advocate for the complainant.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking issuance of directions for conducting judicial inquiry by an independent agency headed by an officer not below the rank of Superintendent of Police in the matter pertaining to FIR No.152 dated 25.8.2020 registered at Police Station City-2, Mansa, Punjab under Sections 420 and 120-B of Indian Penal Code and for transferring the investigation to a District outside District Mansa and also to conduct an inquiry into the atrocities committed by respondents No.4 to 8 against the members of family of the petitioner, who had involved the wife and sons of the petitioner in a false case.

2. It is the case of the petitioner that respondent No.6-Harpal Singh is doing the work of finance and that his son had taken an amount of ₹30,000/- for financing his motorcycle and his motorcycle was mortgaged with respondent No.6. Subsequently his son had requested for an amount of ₹4.5 lakhs and had pledged gold ornaments of petitioner's wife and pursuant thereto an amount of ₹4.5 lakhs was transferred in the bank account of his son Jashandeep Singh. However, since the price of the gold ornaments pledged was less than the amount of loan advanced, therefore, it was agreed that some kind of pronote would be executed. However, when the said document was prepared and was read over to the petitioner's wife by the then Notary, she was shocked to learn that an agreement for sale of property had been prepared and, therefore, she raised hue and cry and it was thereafter that the Notary cancelled the agreement in question.
3. It is further the case of the petitioner that when the petitioner and his son came to know about the aforesaid position, they immediately arranged for an amount of ₹3 lakhs and handed over the same to respondent No.6 and his son also issued a blank cheque as security for the remaining amount.
4. It is further the case of the petitioner that respondent No.7-S.H.O. Angrej Singh and respondent No.8-S.H.O. Jasveer Singh were inimical towards the petitioner's wife as she had earlier filed a criminal complaint in the Court against respondent No.7 wherein he was summoned, but subsequently since respondent No.7 had apologised and a compromise was effected, the said complaint was withdrawn. It is averred that petitioner's wife had also filed a writ petition against respondent No.8 against his illegal acts and conduct and when the respondents in the reply stated that they do not require the

petitioner's wife for any investigation, the writ petition was disposed off having been rendered infructuous.

5. It has thus been submitted that the FIR is an outcome of the enmity of respondent No.6 with petitioner's wife and also on account of the fact that respondent No.6 had connived with respondents No.7 and 8, who are also inimical towards the petitioner's wife.
6. Reply has been filed by the State, which is taken on record, wherein the entire allegations as levelled in the petition have been controverted and in the status report filed on behalf of respondent No.3-Senior Superintendent of Police, Sub-Division, Mansa, Punjab it has been stated that during the course of inquiry the averments made by the complainant in the FIR pertaining to payment of huge amount by way of various transactions to the accused was found to be substantiated. It has further been stated therein that pursuant to an inquiry conducted by ASI Gurcharan Singh, it had been found that the allegations levelled against respondents No.7 and 8 for influencing the inquiry were false.
7. During the course of inquiry, the allegations levelled in the FIR to the effect that it was on account of the fact that Jashandeep Singh was required to show hefty bank balance, that the complainant had agreed to transfer the amount and an amount of ₹20.30 lakhs was given to the accused, were not found to be substantiated. It was further reported that Harpal Singh was never working as a financier and was earlier employed as a Conductor in the Department of Punjab Roadways and now was running a restaurant at his village near bus stand and was also owning 4 acres of land.
8. I have considered rival submissions addressed before this Court.

9. Though it does seem that at some point of time the petitioner's wife had instituted a complaint and had filed a writ petition against respondents No.7 and 8 but from the reply filed by the State based on the inquiry report, it also transpires that the allegations as levelled in the FIR cannot be said to be a bunch of lies as during the investigation some evidence has been collected to *prima facie* substantiate the same. In these circumstances, this Court does not find any ground for issuance of any direction as prayed for. The petition is sans merit and is hereby is dismissed.
10. However, in case the final report has not been presented so far, then the Superintendent of Police concerned shall himself go through the same before the same is presented so as to satisfy himself regarding propriety of the investigation conducted in the matter.

17.02.2021

pankaj/Vimal

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No