

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

Date of Decision: 04.07.2022

261 (1)

CRM-M-3530-2021 (O&M)

DHEERAJ VERMA

... Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

... Respondents

W I T H

261 (2)

CRM-M-52906-2021 (O&M)

SATNAM SINGH AND OTHERS

... Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Dheeraj Verma in person (petitioner in CRM-M-3530-2021 and respondent No.2 in CRM-M-52906-2021).

Mr. Sunny Namdev, Advocate
for the petitioners in CRM-M-52906-2021.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

Mr. Harveet Singh Sehgal, Advocate
for the respondent No.2 in CRM-M-3530-2021

VINOD S. BHARDWAJ, J. (ORAL)

This common order shall decide the above mentioned two petitions i.e. **CRM-M-3530-2021** titled as '**Dheeraj Verma Vs. State of Punjab and another**' and **CRM-M-52906-2021** titled as '**Satnam Singh and others Vs. State of Punjab and another**'.

Both the above mentioned petitions have been filed under

Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'the Cr.P.C.') for quashing of FIR No.04 dated 08.01.2021 under Sections 341, 342, 323 and 324 read with Section 34 of the Indian Penal Code, 1860 (hereinafter referred to as 'the IPC') (in CRM-M-3530 of 2021) and the cross-version bearing G.D. No.29 dated 09.01.2021 under Sections 451, 323, 324, 427, 506 and 148 read with Section 149 of the Indian Penal Code, 1860 registered at Police Station City Batala, Police District Batala, District Gurdaspur (in CRM-M-52906 of 2021).

CRM-M-3530 of 2021

The brief facts of the case in CRM-M-3530 of 2021 are that the petitioner claims to be running an NGO under the name and style of 'Rights and Anti Crime Associates' being its Chairman and the said NGO is claimed to be registered and duly licensed. The petitioner also claims to be running an agency under the name and style of 'Verma Security (Private Security Guard Agency)' at Dera Road, Opposite Pillar No.5, Batala. He contends that he has been moving applications against persons who are running unauthorized security agencies and has been continuously helping the people in need of support through his Security Agency. He alleges that on 19.04.2019, the petitioner had moved a complaint before the Senior Superintendent of Police with regard to taking action against one Prabhjit Singh for running fake security agency under the name and style of 'Unique Z+ Security Service' without any licence and approval of the Government. The said complaint was marked to DSP City. It is alleged that the inquiry into the matter has not been concluded by the said official. During the pendency of the aforesaid inquiry, on 25.04.2019, at about 08.15 p.m., the

petitioner claimed to be present at Chawla Chicken House, City Road, Batala, when Satinder Singh, Prince Nayyar, Deepu Nayyar, Sajan @ Fauji, Tarun Kumar, Neeraj Sharma and Vijay Trehan alongwith some unknown persons attacked the petitioner with their respective weapons and that the occurrence in question was duly recorded in the CCTV cameras. He has placed reliance upon newspaper reports and a CD appended alongwith the instant petition. It is further alleged that even on 25.12.2020, the respondent No.4 (there is no official respondent as No.1 or as respondent no.4 in the present petition) alongwith 7-8 unknown persons are alleged to have forcibly entered into the office of the petitioner and attacked the petitioner as well as his parents and caused damage to the furniture and fixtures of the office of petitioner. It is alleged that even though the petitioner was the victim, however, FIR No.04 dated 08.01.2021 has been registered against the petitioner for the commission of offences under Sections 341, 342, 323 and 324 read with Section 34 of the IPC. The petitioner had approached the Court of Sub Divisional Judicial Magistrate, Batala on 04.01.2021 and moved an application under Section 156(3) of the Cr.P.C. for registration of case against the complainant and others (petitioners in CRM-M-52906 of 2021). On the directions of the Sub Divisional Judicial Magistrate, Batala, the local police registered G.D. No.29 dated 09.01.2021 for commission of offences under Sections 451, 323, 324, 427, 506, 148 and 149 of the IPC. The aforesaid G.D. that has been registered by the police on the directions of the Sub Divisional Judicial Magistrate, Batala, is a subject matter of challenge in CRM-M-52906 of 2021 titled as 'Satnam Singh and others Vs. State of Punjab and another.'

The petitioner has contended that the FIR in question was got registered by the respondent-complainant and others (petitioners in the connected petition) on account of yielding political influence and due to the reason that the petitioner had been submitting complaints against the illegal operations and functions of the said agencies. The petitioner further contends that he had sustained injuries and was medico-legally examined, which shows the existence of as many as five injuries which included a lacerated wound, an abrasion, a contusion and complaints of pains as per the MLR of 25.12.2020 to lend credence to his contentions. The petitioner submits that he has been victimized at the hands of the complainant and his associates.

CRM-M-52906 of 2021

Insofar as the CRM-M-52906 of 2021 titled as 'Satnam Singh and others Vs. State of Punjab and another' is concerned, it has been alleged by the learned counsel for the petitioners herein that the petitioners have been falsely implicated in the aforesaid case and that there is no allegation of harassment by the petitioners and that vague, general and baseless allegations do not constitute any offence as have been alleged. He has also stated that statement of one Karamjit Singh son of Rajender Singh was duly recorded in support of their version of the incident as he was present at the spot. The petitioners herein had been called by the respondent Dheeraj Verma (petitioner in CRM-M-3530 of 2021) and after calling them inside his shop, he pulled the shutter down and gave beatings to them. It was only upon hearing their hue and cries that the said witnesses opened the shutter and secured release of the petitioners. He has also placed reliance

upon various photographs to substantiate the injuries sustained by the petitioners.

Learned State counsel has made reference to the reply filed on behalf of the State in CRM-M-40151 of 2021 titled as 'Dheeraj Verma Vs. State of Punjab' through Senior Superintendent of Police, Police District Batala to contend that during the investigation, the place of occurrence was visited by the DSP, Batala and statements of various witnesses were recorded. Respondent Dheeraj Verma (petitioner in the connected petition) told the DSP, Batala that there is no CCTV camera at the shop of Verma Security (Private Security Guard Agency), however, the CCTV footage annexed with the petition filed for seeking anticipatory bail was seen and it was concluded that before quarreling, both the parties were sitting in the office of Dheeraj Verma and after that the film became blank and when the film started again, both the parties could be seen quarreling in the footage. Besides, there is no audio as well, as a result whereof, it could not be ascertained conclusively as to which of the parties is the aggressor. The Investigating Officer vis. the DSP Batala also found that Dheeraj Verma (petitioner in CRM-M-3530 of 2021) had not uttered any derogatory words against the caste of the complainant and others (petitioners in CRM-M-52906 of 2021) and that the quarrel had taken place inside the shop of Dheeraj Verma.

Reply to the petition has also been filed by the respective contesting parties wherein they have reiterated their respective versions of the said incident.

I have heard learned counsel appearing on behalf of the

respective parties as well as Mr. Dheeraj Verma appearing in person and have gone through the documents enclosed with the instant petitions.

The jurisdiction of the Court under Section 482 of the Cr.P.C. is to be exercised sparingly once the Court is satisfied that the parameters as prescribed by the Hon'ble Supreme Court in the judgment of ***State of Haryana Vs. Bhajan Lal*** and reiterated in the subsequent precedent judgments stand fulfilled. Evidently, it is a case of version and cross-version and that the entire case of the petitioner Dheeraj Verma hinges upon the recording of the CCTV camera, which such recording also does not appear to be in continuation and consistency. The true genesis of the occurrence is yet to be determined.

The High Court while exercising the jurisdiction under Section 482 of the Cr.P.C. does not exercise jurisdiction to determine the probative value of the evidence collected or to be collected by the Investigating Agency during the course of investigation. Disputed questions of facts as regards the manner in which the offence had taken place arise in the present case that can only be determined after the parties are granted opportunity to lead their respective evidence.

The present petitions are thus dismissed.

**(VINOD S. BHARDWAJ)
JUDGE**

04.07.2022
rajender

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No