

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

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CRM-M-29488-2017 (O&M)
Date of decision: 18.11.2022

AVTAR SINGH

....Petitioner

Versus

STATE OF PUNJAB AND ORS.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioner.

Mr. Vinay Kumar Gupta, AAG Punjab.

AMAN CHAUDHARY. J.

Present petition has been filed under Section 482 CrPC for issuance of directions to respondent No.2 and 3 to conduct fair and proper investigation in case FIR No.72 dated 01.10.2015 under Sections 342, 506, 148 and 149 of the IPC registered at Police Station Mallanwala, District Ferozepur.

Notice of motion in this case was issued on 16.08.2017, pursuant to which, reply dated 14.03.2018 by way of affidavit of Jaspal Singh, PPS, Deputy Superintendent of Police, Zira, District Ferozepur has been filed.

Learned State counsel makes a reference to para 1 of the preliminary submissions, which reads thus:-

1.That brief facts of present case are that a case bearing FIR No. 72 dated 01.10.2015 u/s 342-506-148-149 IPC PS Mallanwala was registered against respondents no.4 to 9 on the basis of statement of petitioner with the allegations that on 7.09.2015 at about 10 AM Bohar Singh, Nishan Singh came to the house of petitioner and started giving beatings to petitioner and on raising hue and cry by petitioner mother of petitioner came there due to which Bohar Singh and Nishan

Singh forcibly took the petitioner at Ilmewala to Kamala Bodla Road on motor cycle where Bittu Singh, Sahib Singh, Pargat Singh, Gurmukh Singh were already present on Zen car of Gurwinder Singh. Then all of them forcibly took the petitioner into the car and brought him to Motor of Gurmukh Singh and caused injuries on person of petitioner. The respondents no.4 to 9 had kept the petitioner at motor and at about 12-1 mid night they tied arms of petitioner on back and took him to river and immersed him in the water and asked about the money. Petitioner further alleged that private respondents had released him on from their illegal custody on 01.10.2015. But it is found that as there is major discrepancies between the statement of petitioner and version of application dated 08.09.2015 moved by mother of petitioner against private respondents, so FIR was registered only u/s 342-506-148- 149 IPC. After registration of the case on 01.10.2015 the Investigating officer visited the spot, but petitioner failed to produce any witness to prove his alleged version. During investigation of the case it is also found that petitioner had already got registered a rapat no.27 dated 09.09.2015 at Police Station Arif Ke u/s 323-34 IPC. In said rapat the petitioner himself got recorded his statement that he has came there at his own for compromise. It is also found that petitioner had played a fraud of Rs.40 lakhs with Bohar Singh and Nishan Singh by making false promise to send them abroad. During investigation of the case all the allegations leveled by the petitioner was found to be false and in this case cancellation report has already been prepared and same will be presented before the Ld. Court of Illaqa Magistrate, Zira after completion of formalities. Investigation of this case has been conducted by the police honestly and fairly. There is no apprehension to the life and liberty of the petitioner.

In view of the aforesaid, learned State counsel submits that the present petition has been rendered infructuous and may be disposed of as such.

In view of the above, no further orders are required to be passed in the present case.

Petition is disposed of as having been rendered infructuous.

However, liberty is granted to the petitioner to avail of alternate remedy, available to him, in accordance with law.

(AMAN CHAUDHARY)
JUDGE

November 18, 2022

S.Sharma(syr)

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