

CRM-M-23923-2020

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

**CRM-M-23923-2020.
Decided on: August 8, 2022.**

Gurbachan Singh and others

.. Petitioners

VERSUS

State of Punjab and others

.. Respondents

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

**PRESENT Mr. Ashdeep singh, Advocate,
for the petitioners.**

Ms. Karanbir Singh, AAG, Punjab.

**Mr. Karanjit Singh, Advocate,
for respondent Nos.6 to 8.**

VINOD S. BHARDWAJ, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. seeking issuance of directions to respondent Nos.2 and 3 to recover Palwinder Singh grandson of petitioner No.1 who is alleged to have been forcibly taken/abducted by respondent Nos.6 to 8 from his house on 24.12.2019 and has since then not returned.

Reply by way of affidavit of Mr.Kulwant Singh, Deputy

Superintendent of Police, Sub Division, Tanda, District Hoshiarpur, dated 29.07.2021, on behalf of respondent Nos.1, 2 and 5 has been filed with an advance copy to the learned counsel for the petitioners.

The relevant extract of the same is reproduced hereinafter below:-

“4. That it is submitted that the respondent No.4 and 5 conducted inquiry into the above said application submitted by complainant Subhash Chawla and it was found that Parminder Singh @ Gully grandson of the petitioner No.1 misappropriated an amount of Rs.83,50,000/- of Subhash Chawla by fraud and as such it was recommended to take action against above said Parminder Singh @ Gully grandson of the petitioner No.1 after obtaining opinion from legal attorney Hoshiarpur and sent the inquiry to SSP, Hoshiarpur for further action. On this, the SSP, Hoshiarpur sent the inquiry report of respondent No.4 and 5 to Superintendent of Police Head Quarter for comments. Pursuant to this direction of SSP, Hoshiarpur the Superintendent of Police (Head Quarter), Hoshiarpur went through the inquiry report of respondent No.4 and 5 and there after he agreed with the inquiry report of respondent No.4 and 5 and he also recommended) to take further action after obtaining legal opinion from District Attorney, Hoshiarpur. Pursuant the recommendation of Superintendent of Police (Head Quarter), Hoshiarpur. The SSP, Hoshiarpur sought opinion from District Attorney, Hoshiarpur and the District Attorney Hoshiarpur gave opinion as under:

"As per the report, Parminder Singh @ Gulli who was working as driver of complainant was entrusted an amount

of Rs.83,50,000/ belongs to complainant, committed criminal breach of trust and so prima-facie offence U/s 408 IPC is attracted against him in the jurisdiction of P.S. Tanda, if approved please."

After obtaining opinion from District Attorney, Hoshiarpur, the SSP, Hoshiarpur approved the inquiry report and directed the SHO. P.S. Tanda to register the case, accordingly FIR 287, dated 29-11-2020, U/s 408 IPC, P.S. Tanda, District Hoshiarpur.

5. That it is submitted that during the investigation, the investigation officer recorded the statements of the prosecution witnesses and concerned record was obtained.

6 That it is humbly submitted that the petitioner No.1 submitted an application No.3322-PD, dated 28-07-2020 to the SSP, Hoshiarpur and the said application was marked for inquiry to the predecessor of the deponent and he conducted inquiry into the said application and he recommended to file the said application of the petitioner No.1 and sent the inquiry report thereof to SSP. Hoshiarpur. The SSP. Hoshiarpur after going through the inquiry report of the predecessor of the deponent seen and filed the application of the petitioner No.1.

7. That it is submitted that the police of PS Tanda are conducting raids upon the house of the accused Parminder Singh @ Gulli with a view to arrest the accused Parminder Singh @ Gulli but he has fled his house fearing his arrest in the present case.

8. That it is submitted that the police of PS Tanda got issued LOC of the accused Parminder Singh @ Gulli on 14.5.2022. During the investigation, the complainant -Subhash Chawla disclosed to the police of PS Tanda Distt Hoshiarpur that accused Parminder Singh son of Manjit Singh, having passport no. M 3136839, has travelled to Abu Dhabi through flight no.6-E1835 on 9.2.2020 from Mumbai. Then the police of PS Tanda Distt Hoshiarpur had sent letter no. 297-5P dated 14.7.2022 through email to the concerned official of Indigo Air line to supply information as to whether

Parminder Singh son of Manjit Singh, having passport no. M 3136839, has travelled to Abu Dhabi through flight no.6-E1835 on 9.2.2020 from Mumbai, when no response was given by the concerned official of Indogo Air line in this regard the police of PS Tanda Distt Hoshiarpur sent reminder letter no. 386-5P dated 27.7.2022 through email to the concerned official officer of Indogo Airline to supply information as to whether Parminder Singh son of Manjit Singh, having passport no. M 3136839 has travelled to Abu Dhabi through flight no.6-E1835 on 9.2.2020 from Mumbai. But yet no response has been received by the police of PS Tanda from the official of Indigo Air line. The police of PS Tanda Distt Hoshiarpur has also sent letter through email to the Bureau of Immigration to provide the travel history of Parminder Singh son of Manjit Singh, having passport no. M 3136839, who has travelled to Abu Dhabi through flight no.6-E1835 on 9.2.2020 from Mumbai as per information of the complainant Subhash Chawla disclosed by him in the investigation. But yet no response has been received by the police of PS Tanda from the Bureau of Immigration in this regard.”

It is evident from the perusal of the aforesaid reply that Parminder Singh grandson of petitioner No.1, is an accused in FIR No.287 dated 29.11.2020, under Section 408 IPC, registered at Police Station Tanda, District Hoshiarpur, and he is holder of passport No.M 3136839 and has travelled to Abu Dhabi through flight No.6-E1835 on 09.02.2020 from Mumbai. The aforesaid information has been received from the Bureau of Immigration.

In view of aforesaid information furnished by the State of Punjab, there is no tenable basis for this Court to hold that Parminder Singh

grandson of petitioner No.1, is in illegal detention of the private respondent Nos.6 to 8 and, as such, the question of recovery of Parminder Singh from the private respondent Nos.6 to 8, does not arise.

Learned counsel appearing on behalf of the petitioners submits that petitioner No.1 is being threatened by the private respondents, however, there is no tangible evidence on the basis whereof such an apprehension may be termed to be real. There is thus no merit in the aforesaid prayer.

The present petition is, accordingly, dismissed.

August 8, 2022.	(VINOD S. BHARDWAJ)
raj arora	JUDGE
Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No