

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

123+298

CRM-M-30495-2021(O&M)

Date of decision: 21.07.2022

ONKAR SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

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

Present : Mr. Sarju Puri, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG Punjab.

Mr. Saurav Bhatia and Mr. Sukhanpreet Rangi, Advocates
for respondent No.2.

VINOD S. BHARDWAJ. J. (ORAL)

CRM-23952-2022

The instant application has been filed under Section 482 of the Code of Criminal Procedure for placing on record the reply of the respondent No.2/complainant.

Application is allowed. Reply is taken on record.

CRM-M-30495-2021

The instant petition had been filed under Section 482 of the Code of Criminal Procedure with a prayer for quashing the case bearing FIR No.36 dated 08.06.2019, registered under Sections 420 and 120-B of the Indian Penal Code, 1860 and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014 registered at Police Station Aur, District SBS Nagar along with all other consequential proceedings arising therefrom.

Learned counsel for the petitioner has made a reference to the inquiry conducted by the Superintendent of Police (Investigation) as per which the

participation of the accused namely Tejpal and Harry was concluded and on the strength whereof the FIR in question was directed to be registered. He submits that the Deputy Superintendent of Police, SBS Nagar who conducted the final investigation pursuant to the registration of the FIR has arraigned the petitioner as an accused only on the basis of inferences drawn by making a reference to the following:-

- i. That even though the petitioner claims to have handed over the money to the travel agent, however, no affidavit or writing was obtained by him from the travel agent as had been obtained by the complainant Amandeep Singh;
- ii. Even though a complaint was given to the Superintendent of Police against the travel agent, he has not pursued the same;
- iii. The petitioner had introduced the complainant/victim Amandeep Singh to the travel agent;

Learned counsel for the petitioner contends that the said findings are not borne out of the investigation so conducted by Deputy Superintendent of Police, SBS Nagar inasmuch as the inquiry conducted by the Superintendent of Police (Investigation) clearly establishes the payment made by the petitioner through his own account as well as after borrowing the same from his friends qua which a reference is made to the pro-notes so executed by him. He further contends that the petitioner is at best an introducer and that there is no averment in relation to the petitioner having allured the victim/complainant Amandeep Singh or sharing any proceeds of the money so transferred by the complainant to the travel agents Tejpal and Harry. He further submits that the FIR in question itself is an outcome of the complaint initially submitted by the petitioner and as inquiry into the matter was already being conducted, there was no further occasion for

investigation. In the first complaint so submitted by him, he had specifically mentioned about the entire amount i.e. 15.50 lakhs paid by the petitioner and 18 lakhs paid by the complainant-victim.

Considering that disputed question of facts regarding participation and probative value of the evidence so collected by the investigation agency during the course of investigation are involved coupled with the purported loopholes in the investigation so conducted by the Deputy Superintendent of Police, SBS Nagar, learned counsel for the petitioner seeks permission to withdraw the petition with liberty to take all pleas before the competent Court and to highlight the said aspect including the absence of basic ingredients required for attracting the commission of the offence.

Dismissed as withdrawn with liberty as aforesaid.

(VINOD S. BHARDWAJ)
JUDGE

July 21, 2022

S.Sharma(syr)

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>