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

CRM-M-30742-2022

Date of Decision: 18.07.2022

Gurpreet Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Nitin Sachdeva, Advocate,
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed by the petitioners for quashing of FIR No.50, dated 13.06.2021, under Sections 419, 420, 465, 467, 468 & 471 of the IPC, registered at Police Station Hathur, District Ludhiana Rural (Annexure P-1).

It has been submitted by learned counsel for the petitioner that the present FIR has been lodged against the petitioner which is an abuse of the process of law. As per the allegations contained in the FIR, the office of the District Magistrate (MA Branch) Ludhiana went to the office of Senior Superintendent of Police (Rural), Ludhiana regarding reverification of the complaint from Sh. Gurpal Singh (Respondent) against the petitioner, who is working as Sepoy in the Indian Army. A reference has been made to various letters by stating that the petitioner Sepoy Gurpreet Singh was enrolled in the Sikh Light Infantry Regiment on 29.03.2017 and his police verification was done on 29.09.2017 and as per the police verification conducted post

enrollment, he was declared fit for enrollment by the police authority. Earlier an FIR dated 10.09.2013, under Sections 323, 324, 341 & 34 of the IPC was lodged by one Kuldeep Singh against various persons including the present petitioner, namely, Gurpreet Singh and on 20.12.2019, three persons were convicted by the trial Court which included the present petitioner, however, an appeal has been filed by the petitioner which is pending before the learned Sessions Court. In the aforesaid FIR, the petitioner was also absconder. It has been further alleged in the FIR that the Army Unit had approached the Police for the number of times for reverification of the particulars of the petitioner but no correspondence on the subject was received from SSP, Ludhiana as well as the District Magistrate, Ludhiana and due to this, the case is still pending before the higher Army Authorities, who are pressing hard for reverification of the petitioner regarding fraudulent enrollment in the Army. It has been also stated in the FIR that from the confidential and open investigation and from the documents obtained this fact came to the light that Harpal Singh son of Jarnail Singh by using the school certificates of his brother, namely, Gurpal Singh got recruited in the Indian Army. The Certificates which were used by the petitioner were fraudulent and fabricated and for that purpose, reverification was required.

Learned counsel for the petitioner has submitted that he has attached the certificates along with the present petition which shows that the name of the father of the petitioner was Gurpal Singh and the respondent is only uncle of the petitioner and there was no question of fabrication of any document by the petitioner or his father, and therefore, has prayed for quashing of the present FIR.

On the other hand, Mr. Davinder Bir Singh, learned Deputy Advocate General, Punjab, has stated that he has received an advance copy of the present petition and has gone through the same and he has also sought instructions from ASI Rash Pal Singh, who is present in the Court. He further submitted that the matter is still at the investigation stage and the verification of documents are yet to be made. He also submitted that the documents including the certificates are still with the recruitment centre of the Indian Army from where a requisition has been made so that the authenticity can be verified and reverified and therefore, the present petition filed by the petitioner for quashing of the FIR at the threshold is not only premature but also it is not maintainable in view of the aforesaid facts and circumstances.

I have heard the learned counsel for the petitioners.

The present FIR was lodged against the petitioner on 13.06.2021 on the aforesaid allegations. The police is still investigation the case and the matter pertains to the recruitment of the petitioner in the Indian Army on the basis of alleged forged and fabricated documents. The argument raised by the learned counsel for the petitioner that he has attached the documents along with the present petition which are genuine, cannot become a ground for quashing of the FIR. The stand of the learned State counsel is that they are still investigating the matter and the documents are requisitioned from the Army Unit.

In view of the aforesaid facts and circumstances where the matter is still at the investigation stage, this Court does not deem it fit and proper to invoke extraordinary jurisdiction under Section 482 of the Code of Criminal Procedure for quashing of the FIR, consequently, finding no merit in the

present case, the same is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

18.07.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes |