

CRM-M-40512-2021

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-40512-2021  
Reserved on: 05-04--2022  
Pronounced on: 08-04-2022

Beant Singh  
...Petitioner

Versus

State of Punjab and another  
...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. S.K. Chawla, Advocate for the petitioner.  
Mr. Harsimar Singh Sitta, AAG, Punjab.

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ANOOP CHITKARA, J.

| FIR No. | Dated      | Police Station                                    | Sections |
|---------|------------|---------------------------------------------------|----------|
| 68      | 27.06.2001 | Division No. 2,<br>Ludhiana, District<br>Ludhiana | 223 IPC  |

1. On being arraigned as an accused in the FIR captioned above, the petitioner, now aged 71 years, has come up before this Court under Section 482 of Code of Criminal Procedure, 1973 (Cr.P.C) seeking quashing of FIR and all consequent proceedings.
2. The gist of the facts relevant for adjudication of the present case is that on 25.06.2001, one Vijay Sehgal, who was a prisoner under NDPS Act was taken to Civil Hospital Ludhiana for medical purposes. As per the prosecution, 5 police officials including the petitioner were assigned with him to ensure that he does not abscond from the hospital. Vijay Sehgal was admitted in the hospital on 25.06.2001 at 10:00 a.m. However, he went missing from the prisoner ward of the Civil Hospital. The duty guard did not inform about Vijay Sehgal’s absence in the ward. After that, search was conducted to nab the fugitive and FIR captioned above under Sections 223, 224 IPC was registered.
3. Subsequently, the prosecution was launched against 5 police officials, namely, HC Beant Singh, C. Nirmal Singh, C. Bhag Singh, SPO Bagga Singh and SPO Santokh Kumar. After that, the charges were framed under Section 223 IPC against all the

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accused persons by the Judicial Magistrate Ist Class, Ludhiana. However, during the trial Beant Singh (A-1) did not appear before the trial Court and he was declared a proclaimed offender. The other two accused Nirmal Singh (A-2) and Bhag Singh (A-3) expired and proceedings against them were abetted. Vide judgment dated 04.09.2012, learned Judicial Magistrate Ist Class, Ludhiana convicted Bagga Singh (A-4) and Santokh Kumar (A-5) under Section 223 IPC. Both the convicts Santokh Kumar (A-5) and Bagga Singh (A-4) filed separate appeals before the Sessions Court against their conviction, which were listed as Criminal Appeal Nos. 61 and 66 dated 07.09.2012 respectively. Vide separate judgments dated 29.01.2014, learned Additional Sessions Judge, Ludhiana acquitted both the appellants by holding that there was no documentary evidence and that Vijay Sehgal's custody was assigned to any of these police officials and thus acquitted them and set aside their conviction.

4. Thus, out of 5 police officials, who were charged under Section 223 IPC, Nirmal Singh (A-2) and Bhag Singh (A-3) died during the pendency of the trial and Bagga Singh (A-4) and Santokh Kumar (A-5) were although convicted by the trial Court and the appeal against their conviction were allowed by the Sessions Court and they were acquitted. Thus, only petitioner Beant Singh (A-1) remained without prosecution, however, charges were also framed against him on 01.12.2006 under Section 223 IPC as mentioned in paragraph 3 of order dated 04.09.2012 passed by the trial Court.

5. Apart from the present petition, the petitioner also filed a petition under Section 482 Cr.P.C bearing CRM-M No. 40512 of 2021 seeking quashing of FIR. Vide order dated 01.10.2021, a Co-ordinate Bench of this Court granted protection to the petitioner from arrest. As per status report dated 08.11.2021 filed by Assistant Commissioner of Police, (Central) Ludhiana in CRM-M-40512-2021, it is mentioned that the petitioner had joined the investigation in the above captioned case on 06.10.2021.

6. The petitioner filed another petition under Section 482 Cr.P.C bearing CRM-M-29611-2021 challenging the order, vide which he was declared a proclaimed offender.

7. As evident from paragraph 3 of the judgment dated 4-9-2012, passed by Ld. JMIC, Ludhiana, the charges were framed against all the accused of the commission of the offences punishable under section 223 of IPC JMIC Ludhiana vide order dated 1-12-2006. The time to file a criminal revision against the order framing the charges is ninety days and any delay beyond this period needs a satisfactory explanation by filing an appropriate application seeking an extension of time in filing the petition with a prayer to condone the delay.

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8. Since the charges have been framed then to cull the criminal proceedings, such an order must be set within the period of limitation prescribed under High Court Rules and the Limitation Act. The charges were framed way back in Dec 2006, and the present petition was filed in Sep 2021, i.e., after more than fifteen years. To overcome the limitation, the petitioner resorted to section 482 Cr.P.C. Needless to say, the extraordinary powers vested with the High Courts under section 482 Cr.P.C are to prevent the abuse of the process of law and certainly not to abuse the process of law.

**Give above, the present petition is barred by limitation and it is dismissed.** All pending applications, if any, stand disposed.

**(ANOOP CHITKARA)**  
**JUDGE**

**08.04.2022**  
*Jyoti-II*

Whether speaking/reasoned: Yes  
Whether reportable: NO.