
1. CRM-M-6860-2021

..... Petitioner

State of Punjab and another

..... Respondents

..... Petitioners

Versus

State of Punjab

..... Respondent

..... Petitioner

Versus

State of Punjab and another

..... Respondents

..... Petitioners

Versus

State of Punjab and others

..... Respondents

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Anurag Chopra, Advocate, for the petitioner(s)
(in CRM-M-6860-2021, CRM-M-1032-2021,
CRM-M-40113-2020 & CRM-M-7693-2021).

Mr. Amit Arora, Advocate,
for the petitioners (in CRM-M-33614-2020).

Mr. H.S. Grewal, Additional Advocate General, Punjab &
Mr. Sandeep Singh Deol, DAG, Punjab.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI J. (ORAL)

By this common order, the petitions, details of which have been given in the heading, are being disposed of as all of them relate to the similar allegations being alleged against the petitioners, i.e. of preparing arms licences without following due process of law, for ulterior purposes.

Prayer of the petitioners in the present bunch of petitions is either for quashing of the FIRs in question on the ground that in the police inquiries, which have been conducted after registration of the said FIRs, no tangible evidence has come against the petitioners so as to substantiate the allegations alleged against them in order to continue with the proceedings or for transfer of the FIRs in question to any other Investigating Agency as the investigation in the same is not being conducted in a correct manner and rather efforts are being made to implicate the petitioners in one way or the other, despite the fact that no evidence has come on record so far during the investigation to implicate the petitioners in respect of the allegations alleged

therein.

During the course of hearing, learned counsel appearing for the petitioners reiterated their prayers as raised in their respective petitions. Learned counsel further submit that though in the inquiries, which have been conducted by the Investigating Agency to find out the truth, no allegations, as being alleged in the FIR, have been substantiated but the petitioners are being called time and again by the Investigating Agency, which is causing prejudice to them. Learned counsel also pray that the petitioners may kindly be protected from arrest as they apprehend arrest, despite the fact that there exists no evidence of any wrong doing on their part, as not even a single licence has been produced, which either is fake or has been prepared in a manner wherein the procedure envisaged, has not been followed.

Learned State counsel submits that investigation into the allegations of issuing the arms licences without following due process of law for ulterior purposes in the Office of the Deputy Commissioner, Tarn Taran, is still under progress and has not been concluded so far. Learned State counsel further submits that in order to have a free and fair investigation into the allegations alleged against the petitioners in the concerned FIRs, an S.I.T. has been constituted as the said allegations are very serious in nature and need thorough investigation. Learned State counsel also submits that though no instance has been cited by the petitioners to project that the investigation into the FIRs is not being done in a proper manner, but the State assures this Court that investigation in these cases will be done in a free and fair manner without causing any prejudice

to either side and the investigation will only focus on whether there has been any wrong doing in issuing the arms licences in the Office of the Deputy Commissioner, Tarn Taran. Learned State counsel further submits that with regard to the apprehension of the petitioners that they will be called unnecessarily by the Investigating Agency, in order to harass them, the State assures this Court that the Investigating Agency will follow the process as envisaged under the Cr.P.C. in case the petitioners are required to join the said investigation so as to clarify the doubts, if any, of the Investigating Agency, and for that purpose, at least 7 days advance notice will be given to the petitioners. Learned State counsel also states that he has the instructions to submit that the S.I.T. will complete its investigation as expeditiously as possible and not later than 4 months from today with the condition that the petitioners will cooperate with the said investigation so as to reach on a conclusion.

Learned counsel appearing on behalf of the petitioners submit that keeping in view the statements made by learned State counsel, the primary grievance of the petitioners qua the apprehensions raised in their respective petitions stands redressed, and therefore, they intend not to press these petitions any further at this stage, but they may kindly be granted the liberty to raise all the arguments before the concerned Magistrate in respect of any final report to be submitted by the Investigating Agency, in case the same causes prejudice to them in any manner.

Ordered accordingly.

At this stage, one of the learned counsel appearing on behalf of the petitioners prays that the petitioners may also be protected from arrest,

in case they appear before the Investigating Agency, on being summoned. In this regard, the petitioners already have an efficacious remedy of filing the petition for grant of anticipatory bail before the competent Court of law. The present petitions have been filed with a prayer either for quashing of the concerned FIRs or for transfer of investigation of the FIRs in question to any other Investigating Agency. Keeping in view the facts and circumstances of these cases, no order is required to be passed by this Court in these proceedings qua the protection being prayed for on behalf of the petitioners.

It is made clear that in case, the petitioners have any apprehension with regard to their arrest, as and when they are summoned by the Investigating Agency, they are free to avail the appropriate efficacious remedy by approaching the competent Court of law for redressal of their grievances.

Keeping in view the above, as prayed for, the present petitions are disposed of as having been not pressed any further at this stage with the liberty aforesaid.

Photocopy of this order be placed on the files of the connected cases.

02.02.2022
Apurva

(HARSIMRAN SINGH SETHI)
JUDGE

1. Whether speaking/reasoned: Yes
2. Whether reportable: No