

CRM-M-39892 of 2021 (O&M)

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

CRM-M-39892 of 2021 (O&M)
Date of Decision: 15.09.2022

Akhilesh Bansal

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Gaurav Sharma, Advocate, for the petitioner.
Mr. G.S. Sandhu, Deputy Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

CRM-39059 of 2021

Through this application under Section 482 Cr.P.C. prayer has been made for placing on record copy of report under Section 173 Cr.P.C. as Annexure P-9.

For the reasons mentioned in the application, same is allowed. Copy of report under Section 173 Cr.P.C. is taken on record as Annexure P-9.

CRM-M-39892 of 2021

Through this petition under Section 482 Cr.P.C. prayer has been made for quashing of complaint under Section 195 Cr.P.C. (Annexure P-1) dated 19.03.2021 in case FIR No.41 dated 24.02.2020 registered under Sections 193, 211, 120-B IPC and Sections 25/54/59 of the Arms Act, 1959 at Police Station Lehra, District Sangrur, and all

CRM-M-39892 of 2021 (O&M)

subsequent proceedings arisen thereafter.

Brief facts of the case are that on 24.02.2020, Iqbal Singh alias Jassi son of Jangir Singh, resident of Tarksheel Chowk, Barnala, Police Station City Barnala, District Barnala, along with petitioner presented a complaint to SI Harinder Singh alleging that on 23.02.2020 at about 7.30 p.m. when he was going in his Mahindra Pickup Jeep, he was attacked by some unidentified persons with firearms. Iqbal Singh informed the petitioner through phone about the alleged incident. Petitioner being a press reporter of the area helped Iqbal Singh by making a call to the police/control room regarding the abovesaid incident and went with Iqbal Singh to the police station to report the matter. Ultimately, FIR No.41 dated 24.02.2020 under Sections 307, 506, 34 IPC and Section 25 of the Arms Act was registered at Police Station Lehragaga, District Sangrur against unknown persons. Subsequently, on the complaint of one Lovepreet Singh son of Harmander Singh, resident of Burj Kulara, Tehsil Jagraon, District Ludhiana, present proceedings under Section 195 Cr.P.C. have been initiated.

Learned counsel for the petitioner contended that petitioner being press reporter was helping the police regarding the incident dated 23.02.2020 wherein one Iqbal Singh son of Jangir Singh was attacked by some unidentified persons while he was returning from Dera Sadhan Baba Bihari Giri Khandebad, District Sangrur and he also went with above said Iqbal Singh at the police station just to report the matter since the police was not recording the statement of the abovesaid Iqbal Singh.

CRM-M-39892 of 2021 (O&M)

Learned counsel further submitted that instead of investigating the matter, local police started pressurizing Iqbal Singh to withdraw the case and started threatening him. When no action was taken by the police, then Iqbal Singh approached this Court for conducting fair inquiry by filing CRM-M-9642 of 2020 but the same was dismissed as withdrawn vide order dated 30.07.2020 (Annexure P-3). Learned counsel further argued that the police initiated the present proceedings under Section 195 Cr.P.C. on the statement of one Lovepreet Singh without going into the real controversy and without recording the statement of the petitioner and his co-accused. Learned counsel also contended that Iqbal Singh filed a suit for recovery of ₹2,09,000/- against Lovepreet Singh, which was decreed vide judgment and decree dated 23.07.2021 by the trial Court. Learned counsel lastly contended that petitioner being a press reporter informed the police regarding the incident happened on 23.02.2020 but he was falsely implicated in the present matter which is liable to be quashed.

Per contra, learned State counsel submitted that this petition is liable to be dismissed as there is sufficient evidence against the petitioner.

I have heard learned counsel for the petitioner as well as the learned State counsel and perused the paperbook.

A bare perusal of copy of challan under Section 173 Cr.P.C. (Annexure P-9) reflects that preliminary investigation of the case was conducted by SI Harinder Singh, Police Station Lehra, who inspected the

CRM-M-39892 of 2021 (O&M)

spot and prepared site plan of crime scene. SI Harinder Singh also obtained call details of mobile No.75268-89392 from which threats were given on mobile No.98152-28850. It was found that on 23.02.2020 from complainant Iqbal Singh's mobile phone conversion had taken place with Lovepreet Singh son of Harmandar Singh and accused Iqbal Singh alias Jassi was found to have gone to Lovepreet Singh at his village Nathuwal Moma. It was found that on 22.02.2020 accused Iqbal Singh had asked abovesaid Lovepreet Singh to get a SIM for him due to missing his Aadhaar Card and on 22.02.2020 itself Lovepreet Singh had got issued a SIM connection No.75268-89392 from Sandeep Telecom Hathoor and on 23.02.2020 he called Lovepreet Singh. Accused Iqbal Singh had used SIM connection No.74268-89392 at the time of occurrence. Statement of abovesaid Lovepreet Singh was also got recorded under Section 164 Cr.P.C. before the Judicial Magistrate Ist Class, Moonak on 13.03.2020.

From the investigation of SI Harinder Singh, perusal of call details and from the statements of witnesses, it was found that Iqbal Singh in collusion with his companion Akhilesh Bansal (petitioner) by concocting the story and by himself firing on their vehicle or getting fired by someone and by himself calling from SIM No.74268-89392 to Haripal Singh son of Gurkirat Singh, resident of 36-X, Majithia Enclave Patiala and Palwinder Gir son of Amar Gir, resident of Village Khendebad, Police Station Lehra, District Sangrur and by themselves calling on their own phone, a false case has been found to be registered by hatching conspiracy by abovesaid Iqbal Singh alias Jassi; petitioner and Raj Gir.

CRM-M-39892 of 2021 (O&M)

Offences under Sections 195-A, 182, 120-B IPC have been added. It is further mentioned that during investigation offence under Sections 195-A, 182 IPC have been deleted and offence under Sections 193, 211 IPC have been added and P.O. proceedings have been initiated against accused Iqbal Singh.

In this manner from the perusal of report under Section 173 Cr.P.C., it is amply clear that from the investigation and call record sufficient evidence has been collected against the petitioner under Sections 193, 211, 120-B IPC and Sections 25/54/59 of the Arms Act.

In the case of ***Jagmohan Singh vs. Vimlesh Kumar & Ors., rendered in Civil Appeal No.741 of 2022, decided on 5.5.2022***, the Hon'ble Supreme Court observed as under :

“... At this stage, we are not inclined to look into the correctness of the allegations made in the FIR. Ex-facie, the allegations in the FIR disclose an offence. Whether the persons named in the FIR have committed the offence or not, has to be decided upon trial, in the criminal proceedings.

The Court interferes in criminal proceedings, in exercise of the power under Section 482 of the Cr.P.C., in rare and exceptional cases, to give effect to the provisions of the Cr.P.C. or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.

While exercising jurisdiction under Section 482 of the Cr.P.C., the High Court should not ordinarily embark upon an enquiry into whether there is reliable evidence or not. The jurisdiction has to be exercised sparingly, carefully and with caution only when such exercise is justified by the specific provisions of Section 482 of the Cr.P.C. itself.”

CRM-M-39892 of 2021 (O&M)

Keeping in mind the aforesaid legal pronouncements of the Hon'ble Supreme Court, in my considered opinion, the present case does not fall within the four corners of rarest of rare which warrants any interference at the instance of this Court exercising extraordinary jurisdiction conferred under Section 482 Cr.P.C., to quash the complaint. At this stage, therefore, this Court would not incline to exercise extraordinary jurisdiction conferred under Section 482 of the Code of Criminal Procedure. Therefore, the present petition is devoid of any merits and the same is accordingly dismissed.

September 15, 2022
R.S.

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No