

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41614-2021
Reserved on: 11.03.2022
Pronounced on: 14.03.2022

Manjeet Kaur @ Inderjeet Kaur

...Petitioner

Versus

State of Punjab & another

...Respondent

CORAM: **HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Mr. Manu Loona, Advocate
 for the petitioner.

 Mr. H.S. Multani, AAG, Punjab.

 Mr. J.S. Grewal, Advocate
 for respondent no.2.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
63	16.09.2016	Khuian Sarwar, District Fazilka	323, 148, 149 IPC and Section 325 IPC (added later on)

Criminal Case no. before trial Court	CNRPBFZE10025742017/CHI: 100-2017
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Challenging the order dated 17.08.2021 passed by Judicial Magistrate Ist Class, Abohar, whereby the Ld .Judicial Magistrate allowed the application filed by the complainant under section 319 CrPC and summoned the petitioner-accused Manjeet Kaur for commission of offence punishable under sections 323, 148, and 149 IPC and Section 325 IPC (added later on), the newly arraigned accused came up before this court under section 482 CrPC.

The complainant filed an application under Section 319 CrPC for summoning Manjeet Kaur, as additional accused. The grounds mentioned in the said application were that the applicant- therein had specifically named her as a person who raised *lalkara*.

Vide order dated 17.08.2021, learned JMIC allowed the application under Section 319 CrPC and issued summons against Manjeet Kaur. The reasons mentioned by learned JMIC are that in the FIR, the complainant had specifically alleged against Manjeet Kaur that she being part of an

unlawful assembly had raised *lalkara* and instigated Deva Kumar and others to cause injuries to the complainant. Furthermore, in the investigation, the complainant reiterated his stand in his statement under Section 161 CrPC. Even while appearing in the Court, he has specifically named Manjeet Kaur to be a member of unlawful assembly. Thus, relying upon the version of the complainant, learned JMIC found it a fit case to proceed against the petitioner Manjeet Kaur and consequently, allowed the application.

Feeling aggrieved against the order of summoning, the newly added accused Manjeet Kaur has come up before this Court under Section 482 CrPC.

I have heard learned counsel for the parties and gone through the record.

The complainant Vinod Kumar gave his statement under section 154 CrPC in the following terms. He stated that he ran a motorcycle repair shop in the village. On 12.9.2016 in the evening, he received a phone call from a phone number from a person that his motorcycle had broken, and there was also a female pillion rider with him. After that, he proceeded towards the spot and noticed two motorcycles parked on the roadside. He saw Deva Kumar, Manjeet Kaur, the petitioner, and two other boys present with two motorcycles. Manjeet Kaur raised a *lalkara* (instigation) that Vinod Kumar be taught a lesson today, and after that, all other persons beat him. There is no need to give details of the beatings, and suffice to say that the complainant received injuries, and he visited Civil Hospital Abohar, where the doctor treated him. The complainant stated that the reason for the assault was that Deva Kumar used to move around the house of Manjit Kaur, and when he stopped him from doing so, they assaulted him. Based on this information, the police registered FIR captioned above.

After registration of the FIR, father of the petitioner namely Lachhman Das made a written complaint to senior police officers about false implication of Manjeet Kaur. On his application, an enquiry was initiated and on completion of enquiry, the D.S.P. sent a report to the SSP, Fazilka. Following extract from the said report would be a relevant fact in this case:-

“The complainant Vinod Kumar in the case who is alleging the participation of Harbans Lal son of Roopchand, Baljinder Kumar son of Lachman Das, residents of Koyal Khera in the case through his complaints are not true because at the time of registering the complaint the complainant gave names of Deva Kumar son of Ram Pratap resident of Abohar and Manjit Kaur daughter of Lachman Das and 3-4 unknown persons only, while Baljinder Kumar and Harbans Lal both are residing in neighbourhood of his village so he is very well known to both of them, he could have given their names at the time of registering the case. But now he is levelling false allegations against them in order to harass them which do not contain any truth.

It was found in the investigation of the case and the enquiry of the complaint that the complainant Vinod Kumar in above case is resident of Koyal Khera and lives in neighbourhood of Lachman Das Son of Boodaram resident of Koyal Khera. Daughter of Lachman Das Manjeet Kaur @ Inderjeet Kaur is young and Vinod Kumar kept eye upon her. Lachman Das party stopped him from doing so but keeping in view the future of

Manjit Kaur @ Inderjeet Kaur no action was taken against him. On dated 12.09.16 Vinod Kumar was beaten up by Deva Kumar son of Ram Pratap resident of Ramdev Nagar Street Number 4, 5 Abohar due to some rivalry near village Deewan Khera. Vinod Kumar has given name of Manjit Kaur daughter of Lachman Das at the time of registering FIR due to his personal rivalry. From the investigation enquiry conducted by me till now Manjit Kaur @ Inderjeet Kaur was present in her field in her village at the time of incident which is supported by Asha Rani wife of Harbans Lal, Seema wife of Hansraj residents of Koyal Khera. Manjeet Kaur @ Inderjeet Kaur is found innocent in the case. Accused in the case have been arrested. If permitted SHO Khuian Sarwar be directed to present the challan in court against other accused persons after declaring Manjit Kaur @ Inderjit Kaur daughter of Lachhman Das to be innocent.”

A perusal of above enquiry report reveals that supervisory officer i.e. D.S.P. and S.S.P did not find the version of the complainant to be truthful. Even if the complainant had implicated Manjeet Kaur in his statement on oath, it would not mean that the enquiry conducted by higher police officers was meaningless or inconsequential. In the enquiry, it was specifically mentioned that the allegations were false and that is why the prosecution was not launched against the petitioner.

In the entirety of facts and circumstances peculiar to this case, the present petition is allowed and the impugned order dated 17.08.2021 passed by Judicial Magistrate Ist Class, Abohar is set aside. Bail bonds are discharged.

There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

Petition allowed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

March 14, 2022
AK

Whether speaking/reasoned:
Whether reportable:

Yes
No.