

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

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CRM-M-56742-2022 (O&M)

Date of Decision: 07.12.2022

PUSHPINDER SINGH @ NONI

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Devans Khanna, Advocate and
Mr. Tejinder Kataria, Advocate
for the petitioner.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for quashing of FIR No.169 dated 25.06.2022, registered under Sections 384 and 511 IPC; Section 52-A of the Prisons Act and Sections 311, 420, 468, 471 and 120-B IPC (added later on), at Police Station Tripri Patiala, along with all the subsequent proceedings arising therefrom.

Learned counsel for the petitioner submits that the petitioner is a convict in FIR No.69 dated 05.03.2008, registered under Sections 302, 427 and 54 IPC, at Police Station Sadar Jalandhar, District Jalandhar; that on 14.04.2022, at about 11:30 p.m., the then Deputy Superintendent of Police and Assistant Superintendents, namely, Rajdeep Brar, Navdeep Singh Bainipal and Sarawan Singh Baba, respectively, along with their 7-8 associates, under the influence of the liquor, came to the petitioner and started beating him mercilessly; that the family members of the petitioner had moved an application in the Court of the

Chief Judicial Magistrate, Patiala, for conducting a medical examination of the petitioner and that, though, the petitioner was medically examined on 16.04.2022, yet the fact remains that the said medical was not conducted in a fair manner and the concerned Doctors had only mentioned non-serious injuries in the MLR dated 16.04.2022. He further submits that registration of the present FIR is a counter-blast to the application moved by the family members of the petitioner for conducting his medical examination and that now challan has been presented and in the challan, there is no incriminating evidence against the petitioner, on the basis of which, he can be convicted by the Court below.

I have heard the learned counsel for the parties.

As per the contents of the challan (Annexure P-7), on 25.06.2022, one Rakesh Kumar @ Kaka (co-convict of the petitioner), was digging the sand near rear side of Centre Haate Di Chakki No.61 and the petitioner was standing besides him and upon seeing the police authorities, the petitioner started spreading the soil with his legs. Thereafter, both of them went away from there. On a suspicion, the area was dug and one empty bottle was recovered and on opening the same, 33 SIM cards were found. On an inquiry, it has surfaced that the said SIM cards were issued in the name of different persons of Amritsar area, on the basis of forged Aadhar cards, by salesman, namely, Maninderpal Singh (Ravi Sanola son of Krishna Chand). There are serious and specific allegations against the petitioner. Thus, the FIR in question cannot be quashed, at this stage.

The very fact of recovery of huge number of SIM cards from the area dug by the petitioner and co-convict would go to show that the security of the jail premises was put at risk and indicates towards a larger racket involved in committing various crimes in the State.

In view of the above, no case is made out to invoke the inherent jurisdiction of this Court under Section 482 Cr.P.C.

Dismissed.

07.12.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No