

**IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH.**

**CRM-M-26203-2014**

**Date of Decision:-10.03.2023**

**Opinderjit Singh Ghuman.**

.....Petitioner.

Versus

**State of Punjab & Anr.**

.....Respondent.

**CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present:- Mr. P.S. Ahluwalia, Advocate for the Petitioner.

Ms. Navreet Kaur Barnala, Assistant Advocate General,  
Punjab.

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**JASJIT SINGH BEDI, J.**

The prayer in the petition under Section 482 Cr.PC is for quashing of FIR No.164 dated 18.07.2011 (Annexure P-1) registered at Police Station City Sunam, District Sangrur under Sections 394, 397, 398, 120-B IPC and Section 25 of the Arms Act along with all the consequential proceedings emanating therefrom including the order dated 07.06.2013 (Annexure P-4) passed by the court of Sub Divisional Judicial Magistrate, Sunam by virtue of which the petitioner has been declared a proclaimed offender.

2. The brief facts of the case are that the FIR No.164 dated 18.07.2011 came to be registered at Police Station City Sunam, District Sangrur under Sections 394, 397, 398, 120-B IPC and Section 25 of the Arms Act on the basis of a complaint made by Sourav Suneja wherein he

alleged that unknown persons has assaulted him and his father Ramesh Kumar and had stolen Rs.80,000/- along with certain documents. The copy of the FIR is attached as Annexure P-1. The Investigating officer SI Satnam Singh named one Ramandeep Singh @ Rammi and certain other persons on the basis of secret information on 17.05.2012. On 25.05.2012 Ramandeep Singh @ Rammi during his custody suffered disclosure statement that on the date of the alleged incident he was accompanied by Bablu, Deepu and Mogli. The report under Section 173(2) Cr.PC containing reference to this fact is attached as Annexure P-2.

3. On 13.09.2012 the investigating agency prepared the final report under Section 173(2) Cr.PC referred to hereinabove wherein it had been averred that accused Mogli son of Jet Singh was yet to be arrested and pursuant to his arrest a supplementary report would be presented.

4. Vide judgment dated 27.05.2013 the Additional Sessions Judge, Sangrur acquitted all the co-accused as the material witnesses did not support the prosecution case. The copy of the judgment is attached as Annexure P-3.

5. After the main accused were acquitted by the Trial Court one of the accused who was yet to be arrested i.e. Mogli son of Jeet Singh was declared a proclaimed offender vide order dated 7.6.2013 (Annexure P-4). Thereafter the petitioner filed the instant quashing petition.

6. The Counsel for the petitioner contends that the petitioner was not named in the FIR. In the statement of the arrested co-accused Ramandeep Singh @ Rammi one Mogli was named as a co-accused. As per the report under Section 173(2) Cr.PC one Mogli son of Jeet Singh was said to be absconding and it is the said Mogli son of Jeet Singh who has

been declared as a proclaimed offender. So far as the petitioner is concerned the petitioner was never known as Mogli son of Jeet Singh. His name is Opinderjit Singh Ghuman son of Jagjit Singh Ghuman which is substantiated from various documents attached as Annexure P-5. He had left for Canada wayback on 21.09.2011 as is borne out from Annexure P-6. In fact when the State had filed its first reply on 12.11.2014, the only contention raised was that if the petitioner was not Mogli then he need not have filed the instant petition. However, subsequently on 26.03.2015 a second reply was submitted wherein it is stated that some villagers had, during the pendency of the instant quashing petition stated that the petitioner was in fact known as Mogli son of Jeet Singh. It is his contention that these statements were recorded on 27.02.2015, after the filing of the quashing petition on 20.07.2014. He prays that in view of the fact that the petitioner was never known as Mogli son of Jeet Singh and has been wrongly declared a proclaimed offender in the FIR No.164 dated 18.07.2011, the FIR (Annexure P-1), the order dated 07.06.2013 passed by the court of SDJM, Sunam whereby Mogli son of Jeet Singh has been declared as a proclaimed offender (Annexure P-4) and all subsequent proceedings arising therefrom ought to be quashed.

7. The Counsel for the State on the other hand while referring to the reply dated 12.11.2014 contends that the petitioner ought not to have filed the instant petition if he had never been known as Mogli. While referring to the reply dated 26.03.2015, it is in addition, contended that Babu Singh, Baghel Singh and Dara Singh respectable persons of the village Gharachon have verified that Opinderjit Singh Ghuman son of Jagjit Singh Ghuman was also named as Mogli son of Jeet Singh. It is thus

contended that there was no merit in the present petition and the same ought to be dismissed.

8. None has appeared for respondent no.2.

9. I have heard the counsel for the parties.

10. Admittedly, no person is named in the FIR as an accused.

Subsequent thereto on the arrest of Ramandeep Singh @ Rammi, one Mogli was named as a co-accused. During the course of the Trial the witnesses turned hostile and the arrested accused were acquitted. Meanwhile, Mogli son of Jeet Singh came to be declared a proclaimed offender. A perusal of the documents referred to by the learned Counsel for the petitioner would show that the petitioner was only known as Opinderjit Singh Ghuman son of Jagjit Singh Ghuman. There is absolutely no document to substantiate the fact that he was ever known as Mogli son of Jeet Singh. When the State filed its first reply the only contention raised was that the petitioner could not have filed the instant petition if he had not been known as Mogli son of Jeet Singh. It was only subsequently during the pendency of this petition that the statements of the respectables were recorded, wherein an attempt has been made to fix the identity of the petitioner as Mogli son of Jeet Singh. Apparently, once there is a serious doubt about the identity of the petitioner who had left the country way back on 21.09.2011 and the co-accused stands acquitted it would only be a travesty of justice in case the petitioner is now made to face trial.

11. In view of the abovesaid discussion, the continuance of the proceedings arising out of the FIR (Annexure P-1) are nothing but an abuse of the process of the Court. Therefore, the FIR No. 164 dated 18.07.2011 (Annexure P-1) registered at Police Station City Sunam, District Sangrur

under Sections 394, 397, 398, 120-B IPC and Section 25 of the Arms Act (Annexure P-1), the order dated 07.06.2013 (Annexure P-4) and all subsequent proceedings arising therefrom are hereby quashed in the interest of justice qua the petitioner.

( JASJIT SINGH BEDI )  
JUDGE

March 10, 2023  
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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |