

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-485-2018
Reserved : 21.07.2023
Date of decision: 26.07.2023

Vaneet Mahajan ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Pranshul Dhull, Advocate and
Mr. Suvir Tandon, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

Mr. P.S. Ahluwalia, Advocate and
Mr. Manbir Singh Batth, Advocate
for respondent No.2.

FIR No.	Dated	Police Station	Sections
138	10.05.2014	Civil Lines, Amritsar	307, 326, 323, 324, 341, 420, 427, 467, 471, 148, 149 & 120B IPC

1. Challenging the dismissal of the application filed under Section 319 CrPC for arraigning the second respondent as accused who as per petitioner was the main person and the Chief Conspirator, the complainant (petitioner herein), had come up before this Court under Section 401 CrPC.
2. Based on the allegations leveled by the complainant, the police had registered the FIR captioned above. The investigation was conducted by a Special Investigation Team and the investigator did not find involvement of respondent No.2 and as such did not proceed against him.

3. Feeling aggrieved, the complainant had filed an application dated 14.09.2017 under Section 319 CrPC before the trial Court (Annexure P-17). Vide this application, the complainant wanted that second respondent, who at that time was Cabinet Minister in the Government of Punjab, be arraigned as an accused for the reason that all other accused were connecting as his co-horts and there was sufficient evidence of interaction between the said minister and the other accused. The petitioner had referred his statement, made to the police and claimed that he had specifically mentioned respondent No.2 as the person on whose instructions the petitioner was fired upon by the accused persons. His claim is that due to the political pressure the police did not take action against the Cabinet Minister and absolved him. He further stated that the complainant had appeared as CW-2 and in his statement again he categorically mentioned respondent No.2 as conspirator.

4. The complainant also attributed motive to second respondent by saying that he had filed complaint in the Court against respondent No.2 in which non-bailable warrants were issued against him due to his absence. Apart from that there was a previous incident which led to the present attack which was made upon him at his instance.

5. Vide impugned order dated 01.12.2017, Sessions Judge, Amritsar, dismissed the said application by mentioning and discussing the evidence on record and the motives in great details.

6. I have also gone through the said impugned order which is extremely well written, well supported by judicial precedents and no fault can be found with it. Apart from that I have also gone through the relevant record and the following points of investigation would assume himself:-

(a) that the investigation was conducted by Special Investigation Team and on the directions of this Court as such there is no question of political interference. Furthermore no specific incident have been pointed out for which this Court should assume to have any political interference.

(b) that the investigator did not find any communication or call details between the second respondent and other accused.

- (c) that during investigation the investigator could not find any prima facie evidence incriminating the second respondent.
- (d) that the case of the petitioner is based only on suspicion and needless to say that howsoever strong it may be, cannot substitute the proof.

7. I have also gone through the various judgments cited by counsel for the petitioner. However reference to the case law pointed out that these ratios of law would apply only to the particular facts and not in the present case.

In the entirety of facts and circumstances of the case, no merit found in the present case. Petition is dismissed. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

26.07.2023
anju rani

Whether speaking/reasoned:	Yes
Whether reportable:	No.