

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.245

CRM-M-37720-2020
Date of decision: May 18th, 2023

GURJEET SINGHPetitioner

versus

STATE OF PUNJAB AND ORSRespondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: None for the petitioner.

Mr. Jashanpreet Singh, DAG, Punjab.

NAMIT KUMAR, J. (ORAL)

None had put in appearance on behalf of the petitioner on 23.09.2022 and 23.01.2023. Even today, there is no representation on behalf of the petitioner.

The instant petition has been filed by the petitioner under Section 482 of Code of Criminal Procedure seeking directions to the respondents for not taking any action against the petitioner and for not implicating him or his family members in any false criminal case.

On issuance of notice of motion, reply by way of affidavit of Sh. Rahul Bhardwaj, P.P.S., Deputy Superintendent of Police, Sub-Division Abohar, District Fazilka has been filed on behalf of respondent Nos.1 to 4, wherein, it has been averred as under:-

“xxx xxx xxx xxx

(iii) The enquiry in both the said applications i.e. application of the applicant Asha Rani wife of Satpal and the said application/representation of the petitioner, was conducted by the respondent No.4. During the enquiry, it was found that all the six persons including the petitioner against whom the applicant had levelled allegations of conspiracy and cheating, received Rs. 2.40 crores from Neeraj Arora son of the applicant Asha Rani as total sale consideration of the land 19 kanals agreed to be sold to the said Neeraj Arora on different dates regarding which the agreement to sell and subsequent writings of receipt of amount were also executed by the said persons but the said persons did not execute the registry of the land in favour of Neeraj Arora and thus they cheated with the said Neeraj Arora.

(iv). It is pertinent to mention here that out of total consideration of Rs. 2.40 crores, the petitioner had received Rs. 1.70 crores from the proposed buyer Neeraj Arora.

(v). During the enquiry, all the said persons including the petitioner were found guilty in commission of crime and the enquiry report was also approved by the S.S.P., Fazilka. Accordingly, an FIR No. 277 dated 26.12.2020 u/s 420, 120-B IPC P.S. City Abohar, District Fazilka was registered against all the said six persons including the petitioner. Inspite of affording opportunities to be heard, the petitioner did not join the enquiry and he filed the present petition on false facts. The petitioner is now on bail in the said FIR. The matter is still under investigation.

(vi). Only plea of the petitioner that an enquiry on the same matter had earlier been conducted by the police on the application of Satpal (father of Neeraj Arora and husband of present applicant Asha Rani) is false in the wake of the fact that the said Satpal had not joined the enquiry during the enquiry of his application as he had died and thus the same was filed.

3. That the police never harassed the petitioner. Calling the petitioner by the police in connection with the enquiry in the said application of the applicant Asha Rani by following proper procedure, is not unlawful. No illegality or impropriety has been committed by the police in the present matter. False allegations have been levelled against the police officials. There is no threat to the life and liberty of the petitioner or his family members. As such, no cause of action has accrued to the petitioner to file the present petition.

xxx xxx xxx xxx”

Since it is the categoric stand of the respondent that the Police never harassed the petitioner and the petitioner has been called in the enquiry on an application submitted by Asha Rani after following the due procedure and further, after enquiry, FIR No.277 dated 26.12.2020 under Sections 420, 120-B, IPC, registered at Police Station City Abohar, District Fazilka, was registered against six persons including the petitioner and inspite of affording opportunities to be heard, the petitioner did not join the enquiry.

In view of the above, the instant petition has been rendered infructuous and the same is disposed of accordingly.

(NAMIT KUMAR)
JUDGE

May 18th, 2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No