

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

257-CRM-M-40331-2022

Date of Decision: 09.01.2023

NAVDEEP SINGH

... Petitioner

VS.

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Sukhjit Singh, Advocate for the petitioner

Mr. Mohit Chaudhary, AAG Punjab

Sandeep Moudgil, J. (Oral)

The petitioner seeks quashing of the FIR No.36 dated 27.05.2016 under Sections 399/402/160 IPC and Sections 25/27/54/59 of Arms Act, registered at Police Station Sadar Rampura, District Bathinda and all other consequential proceedings arising therefrom, qua the petitioner.

The petitioner is a diploma-holder in Electrical, who was helping his father in the agricultural works and is having clear antecedents. The assertion made by counsel for the petitioner is that he was falsely implicated in the occurrence alleged to have taken place on 27.05.2016, whereas he has no role, whatsoever, in the said commissioning of offence.

The State of Punjab was called upon vide order dated 05.09.2022 to file a status report and in compliance thereto, status report dated 10.10.2022 has been filed by Aaswant Singh, PPS, DSP, S/D Phul, District Bathinda, which is taken on record. Copy of the same has also been supplied to counsel for the petitioner.

Counsel for the petitioner has referred to paras 6 and 10 of the said affidavit, putting stress to the fact that the petitioner was found innocent

in the instant FIR, after the investigation, and there is no other FIR lodged against him. Paras 6 and 10 of the reply read as under:-

“6. That the SP(H) conducted the enquiry and in the enquiry the statements of Amarjit Singh s/o Dalbara Singh r/o village Pitho and a common statement of r/o village Gill Kalan were recorded and it is found that Navdeep Singh (present petitioner) has no role in the incident and he was declared innocent. The SP(H) submitted his report to the Senior Superintendent of Police, Bathinda, vide letter No.246/223/5 C, SP(H) dated 28.06.2016. The enquiry report is also approved by the Senior Superintendent of Police.”

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“10. That except this FIR there is no FIR lodged against the accused Navdeep Singh, Vicky Bhaika, Mani Pandit, Lovely Phul and Yadwinder Singh @ Makhana.”

Be that as it may, considering the specific stand taken by the State of Punjab, in its status report/affidavit that the petitioner was declared innocent in the investigation, arising out of the present FIR No.36 dated 27.05.2016, and also considering the fact that the petitioner is not involved in any other case at all and probably, that is the reason why since registration of the FIR on 27.05.2016, challan has not been presented, so far even against the other accused persons, this petition is allowed and the FIR No.36 dated 27.05.2016 under Sections 399/402/160 IPC and Sections 25/27/54/59 of Arms Act, registered at Police Station Sadar Rampura, District Bathinda and all other consequential proceedings arising therefrom, *qua* the petitioner, is quashed.

09.01.2023

V.Vishal

(Sandeep Moudgil)
Judge

1. Whether speaking/reasoned?

Yes/No

2. Whether reportable?

Yes/No