

CRWP-7981-2023(O&M)

2023:PHHC:129775

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-7981-2023 (O&M)

Date of decision: 05.10.2023

Jaswinder Singh

....Petitioner

versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr.Bhawesh Chaudhary, Advocate for petitioner.

Mr.Dhruv Dayal, Addl. AG, Punjab.

ARUN MONGA, J. (ORAL)

Present petition has been filed under article 226/227 of the Constitution of India for issuance of writ in the nature of mandamus seeking direction to respondents no.2 and 3 to protect the life and liberty of petitioner and his family members from the hands of respondents no.4 to 9 as they are threatening them, regarding which petitioner has given a representation dated 01.08.2023 (Annexure P-2), to respondent no.3.

2. Background facts succinctly are that the petitioner, Jaswinder Singh, and respondent no.6, Joginder Singh, jointly filed a complaint against Gursewak Singh, Gurbhej Singh, and Lovepreet Singh, accusing them of committing fraud by promising to secure positions in the police force under the D.G.P. quota. Gursewak Singh, a friend of the petitioner, claimed to have connections in the government and police and offered to help them get recruited in exchange for a fee of Rs. 15 lakhs per person. The petitioner, in turn, convinced Sukhchain Singh, Avtar Singh, and Bhavish Kumar to participate, collecting a total of Rs. 45 lakhs from them. The funds were transferred online to Gursewak Singh and Lovepreet Singh. Gursewak Singh also provided blank cheques as security, along with fake appointment letters. A complaint was filed with the police, leading to the registration of an FIR under Sections 420, 465, 468, 471, 120-B IPC against Gursewak Singh, Gurbhej Singh, and Lovepreet Singh. During the investigation,

it was revealed that Gursewak Singh and Gurbhej Singh had also defrauded Gurnam Singh for Rs. 65 lakhs using a similar scheme. The inquiry report confirmed the allegations of cheating and recommended registering an FIR against the accused. The Deputy District Attorney Legal, Patiala, approved the report, leading to the registration of an FIR under the specified sections against the accused individuals. They accused are now hounding the petitioner.

6. Learned counsel further contends that the enquiry in the application given by respondent no. 6 against the petitioner was conducted by Cyber Cell, CIA, DSP. After approval by District Attorney and SSP, FIR has been registered and no offence against the petitioner is made out. In all the enquires conducted by the Police, petitioner is found innocent.

7. He further submits that notwithstanding the clean chit given to the petitioner, all the private respondents have started threatening the petitioner and his family members. Hence, the present petition.

8. *Per contra*, learned State counsel strenuously opposes the prayer made. He contends that police officials would conclude the investigation in an impartial and fair manner by considering the grievances of petitioner from all angles.

9. During the course of hearing he has filed a reply dated 27.09.2023, which is taken on record and a copy thereof supplied to learned counsel for the petitioner. The relevant paragraph no.2 of the reply on merits is reproduced hereinbelow:-

"2. That the contents of Para No.2 of the petition are admitted to the extent that the petitioner along with Joginder Singh s/o Kirpal Singh, who is maternal cousin of the petitioner filed the application No.13065/Peshi against Gursewak Singh etc. before the Senior Superintendent of Police, Patiala. Later on victim Joginder Singh s/o Kirpal Singh r/o village Hari Nagar @ Kherki, District Patiala filed applications No. 7195/Peshi dated 06/07/2023 and 5937/Peshi dated 17/07/2023 to take action against Jaswinder Singh, Sarabjit Kaur Jashan Kaur and Ajaib Singh impleading them accused in the above noted case. Wherein, victim Joginder Singh that Jaswinder Singh is the son of his maternal uncle, who was acquainted with Gursewak Singh. Jaswinder Singh told him that he could his son Avtar Singh to join the police department and for this purpose he has to pay Rs.12.50,000/-. Joginder Singh above noted paid Rs.6 lakh to Jaswinder Singh and Gursewak Singh a year and a half ago. Then he went to Jaswinder Singh's house and gave 6 lakh rupees to his wife and

daughter. After a few days, Rs.3 Lakh were paid to Jaswinder Singh after going to his tubewell motor. After that, they took Rs.3,50,000/-by showing him the fake appointment letter on mobile phone. After that, they gave fake appointment letter with fake ballot No.R- CT 247 and forged signature of DGP Punjab to him at Deol Haveli Samana of Gursewak Singh. Then Joginder Singh above noted met Jaswinder Singh and Gursewak Singh that they had been cheated by them, who said don't raise voice, they would return the money. At this Gursewak Singh gave him a cheque of Rs.12,50,000/-. Jaswinder Singh in connivance with the other accused, has got registered a FIR No. 24 dated 23/03/2023 under Sections 420, 465, 468, 471, 120-B, IPC Police Station City Samana, in which Jaswinder Singh is the complainant. So, by impleading Jaswinder Singh, Sarabjit Kaur, Jashan Kaur and Ajaib Singh along with Gursevak Singh etc. as accused and legal action should be taken against them. The inquiry of this application was conducted by Superintendent of Police, Operation, Patiala vide Zimni dated 03-08- 2023. Who recommended that if any role of Jaswinder Singh is found in this case, then they should be impleaded as accused in this case and they be arrested at the earliest.

10. In view of the aforesaid no further proceedings are warranted before this Court. It is expected of the respondents to proceed in accordance with law.
11. In the premise, the petition is disposed of.
12. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

05.10.2023
'D'vir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No