

CRM-M-55368-2022

DECIDED ON: 01.03.2023

NARINDER KUMAR @ NARINDER SUNEJA

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Nitin Sachdeva, Advocate for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

Mr. A.P.S. Rehan, Advocate for respondent No.2.

SANDEEP MOUDGIL, J (ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.226, dated 20.12.2018 (Annexure P-1), under Sections 420 and 406 of the IPC, registered at Police Station City Batala, District Batala, final report under Section 173 Cr.P.C., dated 18.06.2019 (Annexure P-2), which Section 120-B and 201 IPC were added later on, with all subsequent proceedings arising therefrom.

While issuing notice of motion on 07.12.2022, considering the assertions made by learned counsel for the petitioner that the petitioner has deposited a huge amount to the tune of Rs.60 lacs, in the Axis Bank account of Kuljeet Singh and in fact the petitioner was not initially named in the FIR, but was subsequently been arrayed as an accused on the disclosure statement of Bhim Singh, on the subsequent date, a status report has been called upon from the State of Punjab.

Today, a status report dated 23.02.2023, by way of an affidavit of

Lalit Kumar, PPS, Deputy Superintendent of Police, Sub Division City Batala, Police District Batala, District Gurdaspur has been filed on behalf of respondent No.1-State, which is taken on record.

Learned State counsel has referred to para 5 of the status report, wherein the allegations qua the petitioner have been categorically made to the effect that it is Narinder Kumar son of Matwal Chand, resident of H.No.367, Civil Line, Ludhiana was engaged at Rs.20,000/- per month has been using ATM for three years.

Considering the aforesaid facts, it cannot be termed at this stage for quashing of FIR, as the allegations subsequently unfolded during the course of investigation are to be put to trial for making out a case for adjudication in the trial proceedings.

Learned State counsel has also informed the Court that the charges have also been framed vide order dated 05.07.2022, which is much prior to the filing of the instant petition.

In the light of the fact that the charges have already been framed, which are not under challenge in the instant petition, learned counsel for the petitioner prays for withdrawal of the present petition with liberty to avail an alternative remedy in accordance with law.

Allowed as prayed for.

Dismissed as withdrawn with liberty aforesaid.

(SANDEEP MOUDGIL)
JUDGE

01.03.2023

Poonam Negi

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No