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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-42615 OF 2023 (O&M)
DATE OF DECISION: 12.09.2023**

Jagdish Singh and another**...Petitioners****Versus****State of Punjab and others****...Respondents****CORAM : HON'BLE MR. JUSTICE ARUN MONGA**

Present : Mr. Mohit Kumar, Advocate for
Mr. N. P. S. Mann, Advocate,
For the petitioners.

Mr. Dhruv Dayal, Addl. AG, Punjab.

ARUN MONGA, J.(ORAL)

The instant petition has been filed under Section 482 Cr.P.C seeking quashing of FIR No.258 dated 20.11.2019 registered under Sections 307, 326, 324, 323, 506 read with Section 34 of Indian Penal Code at Police Station Sadar Jagraon, District Ludhiana Rural (Annexure P-1). Further prayer has been made for quashing of general Diary Report No.29 dated 29.06.2020 (Annexure P-3) vide which offence under Section 307 IPC has been added later on in FIR in question.

2. Per FIR, on 17.11.2019 complainant Darshan Singh made a complaint to the effect that he and his brothers jointly own four and a half acres of land on the road of village Gurusar Kaunke to Kaunke Kalan. The adjoining land measuring $6\frac{3}{4}$ acres owned by Bawa Singh is being looked after and cultivated by Jagdish Singh @ Disha Panch. He is cultivating more land/area than the land owned by Bawa Singh for the last more than ten years. On 12.11.2019, the complainant called Kanungo to demarcate his land and it was found that about 10 marlas of land was found extra in possession of Jagdish

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I attest to the accuracy and
integrity of this order/ judgment

Singh. The revenue officials installed pillars on the land of Bawa Singh in

possession of Jagdish Singh @ Disha and directed the complainant to raise boundary wall. On 17.11. 2019 at about 9:00 am, when the complainant went to raise boundary wall on the boundary of his share of land, Jagdish Singh @ Disha Sarpanch armed with Kirpan and his father Bawa Singh armed with Garasha came there and gave lalkara that he should be taught a lesson. Jagdish Singh and Bawa Singh gave injuries on his head with their respective weapons, due to which he raised alarm upon which his people came there. Accused persons ran away from the spot along with their weapons. Complainant/injured was taken to Government Hospital, Jagraon from which he was referred to Daya Nand Medical College and Hospital, Ludhiana. On the basis of said complaint, FIR was registered. However, offence under Section 307 IPC was added later on.

3. Learned counsel for the petitioner contends that petitioners have been falsely implicated in this case. All the injuries are self-inflicted in nature. He further contends that petitioners filed complaint and enquiry was conducted by DSP (Head Quarters) Ludhiana Rural, who opined that no offence under Section 307 IPC is made out. The said report was also approved by Senior Superintendent of Police and challan was filed against the petitioners. Later, complainant put political pressure and offence under Section 307 IPC was added vide DDR No.29 dated 29.06.2020.

4. On the other hand, learned State counsel, on instructions from ASI Paramjit Singh, submits that trial is at an advanced stage. There are total 23 witnesses out of which 02 have been examined till date. Material witnesses are yet to be examined.

5. I have heard rival contentions of learned counsels for parties and gone through the case file.

6. Facts stated in the FIR cannot be verified without proper trial and the same cannot be summarily adjudicated upon by this Court. Since the case

has reached to the stage of recording of evidence after framing of the charge, the instant petition for quashing of FIR cannot be entertained.

7. In the facts and circumstances of the present case, no grounds worthy of interference are made out in view of subsequent development.

8. Dismissed.

9. Pending application(s), if any, shall also stand disposed of.

SEPTEMBER 12, 2023
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No