

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

287

CRM-M-52880-2021 (O&M)

Date of decision: 17.07.2023

Bal Krishan

....Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sunny Kumar Singla, Advocate for the petitioner

Ms. Himani Arora, AAG Punjab

Mr. Mohit Kumar, Advocate for respondent No.2

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 482 CrPC for quashing of the FIR No.5 dated 11.01.2020 registered under Sections 419, 420, 465, 468, 471, 120-B IPC at Police Station Bhadson, District Patiala and all other consequential proceedings arising therefrom.

2. Learned counsel submits that the petitioner has been falsely implicated in the present case on the allegation that he has fraudulently got the signature and stamp of the complainant and other persons on the complaint, which was made against Harpal Dass and Ram Karan and through email, it was sent to State Election Commission, Punjab. From the FSL report, it is clear that the alleged documents were not signed by the petitioner and therefore, no offence is made out against him.

3. On the other hand, learned State counsel assisted by learned counsel for the complainant-respondent No.2 submits that the petitioner has very cleverly scanned the signatures of the persons and by using them made a false complaint against the complainant. The FIR in question was lodged after conducting enquiry in the matter. Thus, they pray for the dismissal of the present petition.

4. Heard the learned counsel for the parties.

5. It would be apposite to refer to the reply dated 2.4.2023 filed by way of affidavit of Rajesh Kumar Chibber, Deputy Superintendent of Police, Circle Nabha, District Patiala, wherein it has been specifically mentioned thus:

“4. That after registration of case, investigation was being carried out by ASI Lakhvir Singh of Police Station Bhadson, who recorded the statement of witnesses namely Amarjit Singh Tiwana, Randhir Singh Dhindsa u/s 161 of Cr.P.C. and arrested the accused/petitioner on 12.01.2020 in the present case.

5. That during the the course of investigation, an application was moved by the Investigating Officer before Ld. Illaqa Magistrate for obtaining specimen signatures of Bal Krishan on 14.02.2020, but lateron these were obtained in the Ld. Trial Court Nabha and the Ld. court sealed the specimen signatures in an envelope and lateron vide Road No.72 dated 16.07.2020 through Constable Gurwinder Singh alongwith ids identity card sealed with seal and statement recorded during enquiry of Bal Krishan sent to Forensic Science Laboratory, Mohali for comparison and statement of MHC of Police Station Bhadson, Upar Singh son of Charanjit Singh Resident of Bhadson, Amarjit Singh Tiwana, Randhir Singh Dhindsa etc. were recorded under section 161 Cr.P.C. by the Investigating Officer.

7. That after thorough investigation a report under section 173(2) Cr.P.C. was prepared on 26.01.2021 and after scrutiny through prosecution agency the same was presented in the court on 02.03.2021. Now the case is fixed for 02.05.2022 for framing of charges.

xx xx xx

...Moreover, during investigation Vaneer Kumar son of Mahinderpal Singh resident of Ward No.2, Bhadson Tehsil Nabha District Patiala submitted his duly sworn affidavit that

on 06.05.2019 Bal Krishan son of Ram Asra (petitioner) came to his shop and sent an email to State Election Commission, Punjab, Chandigarh against Harpal Dass and Ram Karan and regarding record he submitted a copy of his voter id card to him...”

6. Hon’ble The Supreme Court in the case **Central Bureau of Investigation vs. Aryan Singh** Criminal Appeal Nos. 1025-1026 of 2023, 10.04.2023 has observed and held that, “From the impugned common judgment and order passed by the High Court, it appears that the High Court has dealt with the proceedings before it, as if, the High Court was conducting a mini trial and/or the High Court was considering the applications against the judgment and order passed by the learned Trial Court on conclusion of trial. As per the cardinal principle of law, at the stage of discharge and/or quashing of the criminal proceedings, while exercising the powers under Section 482 Cr.P.C., the Court is not required to conduct the mini trial. The High Court in the common impugned judgment and order has observed that the charges against the accused are not proved. This is not the stage where the prosecution / investigating agency is/are required to prove the charges. The charges are required to be proved during the trial on the basis of the evidence led by the prosecution / investigating agency. Therefore, the High Court has materially erred in going in detail in the allegations and the material collected during the course of the investigation against the accused, at this stage. At the stage of discharge and/or while exercising the powers under Section 482 Cr.P.C., the Court has a very limited jurisdiction and is required to consider “whether any sufficient material is available to proceed further against the accused for which the accused is required to be tried or not”

7. Considering the reply filed by the State, there appears to be sufficient

material available against the petitioner and in view of the afore-referred judgment, this Court finds no merit in the present petition and as such, the same is hereby dismissed.

(AMAN CHAUDHARY)
JUDGE

17.07.2023
S.Sharma(syr)

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