

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

CRM-M-51812-2022

Date of decision : 06.09.2023

Rajinder Singh @ Lovely and others

... Petitioners

Versus

The State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Vijay Rana, Advocate
for the petitioners.

Mr.Ferry Sofat, Addl.A.G. Punjab
for respondents no.1 to 3.

VIKAS BAHL, J.(ORAL)

1. This is a petition under Section 482 Cr.P.C. for the issuance of directions to respondents no.2 and 3 to investigate / enquire into the matter through some senior officers of the police or some independent agency as false FIRs have been registered against the petitioners.

2. Learned counsel for the petitioners has submitted that in the year 2012-13, respondent no.4 was holding the post of Minister for the State of Punjab in the Akali Dal Badal Government and during that period, petitioners no.1 and 2 used to support and participate in every political rally of respondent no.4 but in the year 2015 due to certain reasons, petitioners no.1 and 2 separated themselves from him and stopped going to his rally / functions which annoyed respondent no.4 and due to the said aspect, respondent no.4 got petitioners no.1 and 2 implicated in a large number of cases which are false cases. It is further submitted that even petitioners no.3

to 7, who are the supporters of petitioners no.1 and 2, have also been implicated in false cases and thus, a prayer has been made that the respondents be restrained from harassing the petitioners.

2. Learned State counsel has filed status report by way of affidavit of Ramandeep Singh Bhullar, PPS, Assistant Commissioner of Police (Central) Ludhiana on behalf of respondents no.1,2, 3 and 8. The details of the FIRs registered against the petitioners have been given in paragraph 5 of the Status report. The FIRs registered against petitioner no.6 are reproduced hereinbelow:-

“Petitioner no.6 Ashok Kumar alias Soka:-

Sr.No.	Particulars of FIRs	Status
1.	FIR no.25 dated 03.02.2006, u/s 376, 294, 506 IPC, P.S. Division No.6, Ludhiana	
2.	FIR no.65 dated 05.09.2014, u/s 21, 61, 85 NDPS Act, P.S. Division No.3, Ludhiana	Convicted
3.	FIR no.9 dated 22.01.2022, u/s 13-A of Gambling Act and Section 420 IPC, P.S. Division No.1, Ludhiana.	Trial pending
4.	FIR No.87 dated 08.06.2022, u/s 13-A of Gambling Act and Section 420 IPC, P.S. Division no.3, Ludhiana.	Trial pending
5.	FIR No.70 dated 22.08.2022, u/s 294-A IPC, 13-A of Gambling Act and Section 7(3) Lottery Act, P.S. Division No.1, Ludhiana	Trial pending

A perusal of the above reproduced FIRs would show that FIR no.65 dated 05.09.2014 was registered against petitioner no.6 in the year 2014 even when, as per the version given by the petitioners in paragraph 2 of their petition that petitioners were working for respondent no.4 as it is only in the year 2015 that a dispute had arisen between them and in the said FIR which was registered under Section 21, 61, 85 of the Narcotic Drugs and Pschytropic Substances Act, petitioner no.6 was convicted. In another FIR at serial no.1 i.e., FIR no.25 dated 03.02.2006 was also registered prior to the year 2015 and is under Sections 376, 294, 506 IPC. With respect to

the FIRs which have been registered in the year 2022, the investigation is complete and the trial is pending and thus, the question as to whether petitioner no.6 is guilty in the said cases or not, can only be determined after considering the evidence which would be led by the prosecution and by petitioner no.6 during the course of trial. From the abovesaid fact, it is also apparent that petitioner no.6 is a habitual offender.

4. In paragraph 5 of the Status report, further details of all the cases filed against all the petitioners have also been mentioned. Relevant portion of paragraph 5 of the status report is reproduced hereinbelow:-

“5. That in compliance to the said order of this Hon’ble Court, it is further submitted that the following FIRs have been registered against the petitioners:-

Petitioner No.1 Rajinder Singh alias Lovely:-

<i>Sr. Particulars of FIRs No.</i>	<i>Status</i>
<i>1. FIR No.33 dated 09.05.2012, u/s 307, 379, 325, 148, 149 IPC, P.S. 24.04.2014 Dugri, Ludhiana.</i>	<i>Acquitted on 24.04.2014</i>
<i>2. FIR No.70 dated 28.06.2012, u/s 25, 54, 59 of Arms Act, P.S. Model Town, Ludhiana.</i>	<i>Acquitted on 26.03.2015</i>
<i>3. FIR No.69 dated 28.06.2012, u/s 399, 402 IPC, P.S. Model Town, Ludhiana.</i>	<i>Trial pending</i>
<i>4. FIR No.2 dated 22.01.2016, u/s 13-3-67 of Gambling Act, P.S. Division No.1, Ludhiana.</i>	<i>Trial pending</i>
<i>5. FIR No.81 dated 09.08.2016, u/s 353, 332, 186, 323, 427, 283, 34 IPC, P.S. Division No.1, Ludhiana.</i>	<i>Trial pending</i>
<i>6. FIR No.82 dated 20.08.2016, u/s 13-3-67 of Gambling Act, 420 IPC and 21, 22, 25, 27 of Arms Act, P.S. Division No.1, Ludhiana.</i>	<i>Trial pending</i>
<i>7. FIR No.42 dated 27.02.2017, u/s 61-1-14 of Excise Act, 13-3-67 of Gambling Act, P.S. Division No.1, Ludhiana.</i>	<i>Trial pending</i>
<i>8. FIR No.36 dated 17.02.2017, u/s 334, 379-B, 323, 341, 506, 148, 149 IPC, P.S. Division No.1, Ludhiana.</i>	<i>Trial pending</i>
<i>9. FIR No.29 dated 18.02.2017, u/s 323, 341, 382, 506, 148, 149 IPC, PS. Division No.4, Ludhiana.</i>	<i>Trial pending</i>
<i>10. FIR No.103 dated 16.06.2005, u/s 302 IPC, P.S. Salem Tabri, Ludhiana.</i>	<i>Acquitted</i>
<i>11. FIR No.38/2017, u/s 307, 353, 427, 186, 339, 506, 148, 149 IPC and Section 25 of Arms Act, P.S. Sadar, Ludhiana.</i>	<i>Acquitted</i>
<i>12. FIR No.29/2017, u/s 382, 341, 323, 506, 148, 149 IPC, P.S. Division No.4, Ludhiana.</i>	
<i>13. FIR No.88 dated 20.09.2022, u/s 294-A IPC, 7(3)</i>	<i>In this case the</i>

Lottery Act and the 13-3-67 of Gambling Act, P.S. Division No.1, Ludhiana. *petitioner on bail.*

Petitioner No.7 Sukhpal Singh alias Sukha:-

<i>Sr. No.</i>	<i>Particulars of FIRs</i>	<i>Status</i>
1.	<i>FIR No.21 dated 15.01.2020, u/s 307, 506 IPC and Section 25 of Arms Act, P.S. Division No.7, Ludhiana</i>	<i>Acquitted on 11.03.2022</i>
2.	<i>FIR No.87 dated 08.06.2022, u/s 3, 4, 13-3-67 of Gambling Act and Section 420 IPC, P.S. Division No.3, Ludhiana.</i>	<i>Trial pending</i>
3.	<i>FIR No.187 dated 08.12.2022, u/s 18-A of Gambling Act and 7(3) Lottery Act, P.S. Division No.3, Ludhiana.</i>	<i>Under investigation</i>

Petitioner No.2 Vikas Chhabra:-

<i>Sr. No.</i>	<i>Particulars of FIRs</i>	<i>Status</i>
1.	<i>FIR No.81 dated 19.08.2016, u/s 13-A of Gambling Act, Sections 353, 186, 332, 323, 283, 34 IPC and Sections 12, 8 P.C. Act, P.S. Sadar Ludhiana.</i>	<i>Trial pending</i>
2.	<i>FIR No.82 dated 20.08.2016, u/s 9(2) Lottery Act, 420 IPC and 25 of Arms Act, P.S. Division No.1, Ludhiana.</i>	<i>Trial pending</i>
3.	<i>FIR No.36 dated 17.02.2017, u/s 384, 379-B, 323, 341, 506, 148, 149 IPC, P.S. Division No.1, Ludhiana.</i>	<i>Trial pending</i>
4.	<i>FIR No.38 dated 19.02.2017, u/s 307, 353, 386, 427, 332, 506, 148, 149, 120-B IPC and Section 25 of Arms Act, P.S. Division No.1, Ludhiana.</i>	<i>Trial pending</i>
5.	<i>FIR No.1 dated 04.01.2016, u/s 283 IPC, P.S. Division No.1, Ludhiana.</i>	<i>Untrace Report filed.</i>
6.	<i>FIR No.2 dated 22.01.2016, u/s 356, 120-B IPC, P.S. Division No.1, Ludhiana.</i>	<i>Trial pending</i>
7.	<i>FIR No.69 dated 28.06.2012, u/s 399, 402 IPC, P.S. Model Town, Ludhiana.</i>	<i>Acquitted on 29.01.2019</i>
8.	<i>FIR No.33 dated 19.05.2012, u/s 307, 379, 392, 397 IPC, P.S. Dugri, Ludhiana.</i>	<i>Acquitted on 29.04.2014</i>
9.	<i>FIR No.86 dated 23.07.2012, u/s 465, 468, 471, 120-B IPC, P.S. Model Town, Ludhiana,</i>	<i>Acquitted on 05.08.2015</i>

A perusal of the above would show that petitioner no.1, for the

period from 2012 to 2022, has been involved in 13 cases and out of the said

13 cases, 4 cases are such which were registered prior to the year 2015 i.e., the year in which the dispute had arisen between the petitioners and respondent no.4 as per version of the petitioners. FIRs at sr. no.1,2, 3 and 10 all relate to heinous offences including offences under Sections 302, 307, 399, 402 IPC although in 3 of the said 4 cases, petitioner no.1 has been acquitted. In the other cases, the trial is pending and thus, question as to whether petitioner no.1 is guilty of the offences alleged to have been committed by him, would be finally adjudicated during the course of trial.

5. Learned State counsel has also pointed out that in most of the cases, the complainant is also different. With respect to petitioner no.2, it is apparent that out of 9 FIRs registered against him, 3 FIRs were prior to the year 2015 and it is apparent that petitioner no.2 is also a habitual offender. It is also the stand of the State in paragraph 3 that earlier also the petitioners had filed an application bearing complaint no.ID-76937 dated 05.12.2022 raising similar allegations of false implication and in pursuance of the same, an enquiry was conducted during which it was found that the FIRs have been rightly registered and in the said FIRs, trials are pending. In paragraph 4 of the short reply, it has been stated that the petitioners have filed certain petitions challenging the registration of the said FIRs and details of two such petitions have been given. On a pointed query raised by this Court to learned counsel for the petitioners, learned counsel for the petitioners is unable to state as to how many petitions have been filed by the petitioners seeking quashing of the said FIRs. Nothing has been shown to this Court to show that there is any finding by any Court to the effect that the petitioners have been falsely implicated in any case at the behest of respondent no.4.

The prayer made by the petitioners to restrain the respondents from harassing the petitioners and not to register false FIRs, cannot be allowed by

this Court as no blanket order can be passed in favour of the petitioners in the manner prayed for by the petitioners. No law has been cited by the learned counsel for the petitioners in support of the said prayer. Moreover, the question as to whether any case / FIR registered is a false FIR or not, can only be ascertained after perusing the allegations made in the FIR and the material produced by the investigating agency in the report under Section 173 Cr.P.C. and after hearing the counsel for the accused and the State.

6. Accordingly, finding no merit, the petition is dismissed.

(VIKAS BAHL)
JUDGE

September 06, 2023.
Davinder Kumar

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