

108

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-50245-2023 (O&M)
Date of decision: October 16, 2023

Jagjiwan Kumar

....Petitioner

versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Siddharth Gupta, Advocate for the petitioner.

Mr. Mohit Thakur, AAG, Punjab.

ARUN MONGA, J. (ORAL)

This is a petition under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') seeking issuance of directions to respondent Nos.1 to 3 to handover the investigation of the FIR No.159 dated September 24, 2022 registered under Sections 420, 380 of IPC, at Police Station, City Rampura, District Bathinda (Punjab) for conducting a fair and impartial investigation in the FIR in question from a Senior Police Officer expeditiously and to take all necessary steps to get the guilty people punished by arresting them as per law.

2. FIR in this case was registered at the instance of complainant Inderjeet Singh who alleged that he had given loan of Rs.5,00,000/- on May 02, 2021 to petitioner and in lieu thereof, petitioner handed over possession of his house as mortgage to the complainant and thereafter the complainant stored his household articles and locked the said premises. However, on June 25, 2022 the complainant found that the lock had been broken and household articles were missing from there. When complainant enquired about the same from the petitioner, he admitted having committed the theft. Complainant also filed a civil suit against the petitioner seeking relief of permanent injunction.

3. Learned counsel for petitioner pointed out that in the said plaint, there is no mention of any such mortgage or lending of money and rather in the said plaint the complainant took plea that he was occupying the property in question as a tenant under the petitioner.

3.1. Contents of plaint totally falsifies the allegations made by the complainant in the FIR, contends the learned counsel. Petitioner and complainant also invested money in Crown Company in the year 2012 but later on the said company turned out to be a fraud and the money invested by the petitioner and other persons got struck in the company. Complainant was having grudge that he had invested money in the company on the basis of information given by co-

accused Soni Mittal alias Sandeep Kumar who was brother-in-law of the petitioner. Brother-in-law of the petitioner was also impleaded as an accused in the FIR. He was accorded the concession of interim anticipatory bail and which was later on made absolute vide order dated October 10, 2022. Petitioner also applied for anticipatory bail before learned Sessions Court at Bathinda. However, the same was dismissed vide order dated November 17, 2022. Thereafter, petitioner approached this Court and was granted the concession of anticipatory bail and which was later on made absolute vide order dated April 25, 2023. Petitioner requested respondents No.5 and 6 on numerous occasions that he had not executed any alleged mortgage transaction. His signature upon the same had been forged by the complainant. Petitioner further requested that the admitted signatures of the petitioner may be got verified from some finger print expert to unearth the conspiracy hatched by the complainant. Petitioner submitted a representation dated February 07, 2023 before respondent No.3 but to no avail. Hence, the instant petition.

4 Heard.

5. I find no ground to interfere. However, since the FIR was registered way back on September 24, 2022 and despite lapse of more than a year, challan has not been presented, it is expected of the investigating agency to take expeditious steps to proceed further, in accordance with law. It is also made clear that after investigation is over, petitioner shall not be unnecessarily called to Police Station.

6. Disposed of accordingly.

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

(ARUN MONGA)
JUDGE

October 16, 2023

Vandana

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