

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

CRM-M-10739-2021(O&M)

Reserved on: 06.02.2024

Pronounced on: 08.02.2024

2024:PHHC: 017812

BALWANT SINGH @ FAUJI

. . . . PETITIONER

Vs.

STATE OF PUNJAB AND OTHERS

. . . . RESPONDENTS

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Ashish Nagar, Advocate, for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

DEEPAK GUPTA, J.

By way of this petition filed under Section 482 CrPC, petitioner prays for quashing of the FIR No.137 dated 15.10.2019 under Sections 295-A IPC registered at Police Station Sultanwind, District Police Commissionerate, Amritsar and setting aside the order dated 08.05.2020 passed by the Commissioner of Police, Amritsar City and all subsequent proceedings arising therefrom.

2. FIR in question Annexure P1 was lodged on complaint of respondent No.4-Rajinder Singh, as per which he as well as his son Parvinderpal Singh were appointed as Priest (*Pathi*) in Gurudwara Sahib Puratan Gurudwara Sahib Daburji. On 15.10.2019, he visited Gurudwara Sahib. The religious function qua birth of Guru Ramdass ji was being celebrated in Gurudwara Sahib and he was sitting along with the people reading the *path* and also taking the name of *Mukhwalk*. At about 01:00 PM, suddenly Balwant Singh @ Fauji (*petitioner herein*) came towards me, caught him by arm and tried to remove him in the presence of Guru Granth

Sahib ji. He further tried for forbid him from continuing performing the *path* ceremony and also used bad words for the *Sangat*. It was alleged that this way, the accused had created obstacle in the Gurudwara on the religious function of Guru Ramdass Ji and thus, outraged the religious feelings and committed insult to the religious place.

3. Ld. counsel contends that false allegations have been made against the petitioner by the complainant; that complainant had been restrained to serve as Granthi in 2011 and therefore, without any re-appointment he could not serve in Gurudwara Sahib and so, he did not have the right to perform his duty as a *Granthi*. Ld. counsel also contends that petitioner moved an application to Commissioner of Police to investigate the matter properly vide Annexure P3. Petitioner also filed CRM-M-10185-2020 before this Court for proper investigation, which was disposed of with the direction to the Commissioner of Police to decide the representation Annexure P3 and to look into the grievances of the petitioner as projected by him. Copy of the order dated 06.03.2020 in this regard is Annexure P4. Petitioner then again approached the Commissioner of Police by moving an application (Annexure P5) and as no action was taken, he filed COCP-2524-2020 before this Court. Copy of inquiry report dated 08.05.2020 passed by respondent No.1 was supplied to him. Ld counsel contends further that no offence under Section 295-A CrPC is made out and that he has been falsely roped in the matter.

4. Status Report filed by the respondent-State would reveal that after necessary investigation, offence under Section 295-A IPC was deleted and the same was replaced by Sections 295 & 296 IPC vide GD No.29 dated 20.02.2020. After filing of the challan, the Court of Id. JMIC,

Amritsar has already framed charges against the petitioner under Section 295 & 296 IPC and therefore, in case petitioner was aggrieved, he could have availed the alternative remedy by filing revision before the Sessions Court, instead of approaching this Court under Section 482 CrPC. Prayer is made for dismissal of the petition.

5. The grievance of the petitioner was only qua Section 295-A IPC and as per the police report, petitioner has not been challaned under the said provision, as it was deleted during investigation. Status report filed by the respondent-State also reveals that representation made by the petitioner was duly inquired into and the same was found to be false.

6. Since trial Court has already framed the charges under Section 295 & 296 IPC, therefore, the present petition is hereby disposed of by observing that there is no just ground to quash the FIR and that petitioner will be at liberty to raise all the pleas taken in this petition at an appropriate stage before the trial Court.

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

08.02.2024
Vivek

(DEEPAK GUPTA)
JUDGE

1. Whether speaking/reasoned?	Yes
2. Whether reportable?	No