



CRM-M-12896-2024

1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

123

CRM-M-12896-2024
Date of Decision : April 29, 2024

RANJIT SINGH -PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER -RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

Mr. Ishan Gupta, Advocate
for the respondent No.2.

KULDEEP TIWARI, J. (ORAL)

1. The petitioner, who is facing trial in case FIR No.116 dated 13.04.2014, under Sections 167, 467, 468, 471, 201, 120-B of the IPC, registered at P.S. City Sangrur, District Sangrur, has invoked the inherent jurisdiction of this Court, as envisaged under Section 482 of the Cr.P.C., thereby seeking quashing of the order dated 20.02.2024, wherethrough, his application under Section 306 of the Cr.P.C. (Annexure P-8), wherein a prayer was made for allowing him to become an approver and to grant him pardon, has been dismissed by the learned trial Court concerned.
2. Since the case at hand has a chequered history, as its genesis lies in some other criminal case, therefore, before embarking upon the process of

**CRM-M-12896-2024****2**

gauging the merits/demerits of the instant petition and consequently evincing any opinion upon the validity of the impugned order, it is deemed apt to begin with chronologically extracting the facts of the present case.

FACTUAL MATRIX

3. The B.D.P.O., Sherpur, made a complaint against respondent No.2- Tara Singh (hereinafter referred to as the 'complainant'), which became entrusted to petitioner's co-accused Insp. Tejinder Singh for inquiry, who was then posted as S.H.O., Police Station Sherpur. The complainant alleged that, in order to exonerate him from the inquiry pending against him, Insp. Tejinder Singh demanded bribe from him, however, he was reluctant to give any bribe and accordingly made a complaint against Insp. Tejinder Singh before the Vigilance Bureau concerned. Consequently, raids were conducted on 11.08.2011 and 12.08.2011 by official(s)/officer(s) of the Vigilance Bureau concerned to nab Insp. Tejinder Singh, however, these raids did not yield any result owing to leakage of information by some official/officer of the Vigilance Bureau. Thereafter, in order to save his skin, Insp. Tejinder Singh made a complaint to the effect that the complainant, through one Jagtar Singh, offered him bribe in relation to an inquiry pending against him and resultantly, an FIR No.68 dated 12.08.2011, under Sections 8, 9, 13(2) of the Prevention of Corruption Act, 1988 (hereinafter referred to as the 'Act of 1988'), came to be registered at P.S. Sherpur against the complainant and Jagtar Singh. In the meantime, another FIR No.97 of 2011 was also registered on the basis of the complaint filed by the B.D.P.O. Sherpur.

4. After completion of investigation in FIR No.68 (supra), the Final

**CRM-M-12896-2024****3**

Report was presented and the complainant and Jagtar Singh were chargesheeted for offences punishable under Sections 8, 9, 13(2) of the Act of 1988. During the course of trial, the petitioner, who was then posted as Driver in the office of the then D.S.P. Vigilance (petitioner's co-accused Balwinder Singh), stepped into the witnesses box as DW20 and admitted the factum regarding change/alteration of original entries in the logbook with false entries in respect of the raids conducted on 11.08.2011 and 12.08.2011. The complainant and Jagtar Singh faced a protracted trial, which ultimately culminated in their acquittal, as is evident from the verdict dated 05.06.2013 (Annexure P-5). Through this verdict, not only the complainant and Jagtar Singh were acquitted with the observations that they were falsely implicated, but, the learned trial Court concerned also directed the S.S.P. concerned to explore the possibility of initiating criminal proceedings against Insp. Tejinder Singh for falsely implicating the accused concerned and against D.S.P. Balwinder Singh for forging the entries of logbook in order to obliterate evidence regarding his visit to P.S. Sherpur on 11.08.2011 and 12.08.2011. The relevant extract of the verdict dated 05.06.2013 is reproduced hereunder:-

“26. Copy of this judgment be sent to the Senior Superintendent of Police, Sangrur to explore the possibility of initiating criminal proceedings against Inspector Tejinder Singh for falsely implicating the accused in this case by forging documents and fabricating evidence and DSP Balwinder Singh, who has forged the entries of log book of his official vehicle in order to obliterate evidence regarding his visit to P.S. Sherpur on 11.8.2011 and 12.8.2011...”

5. It would be apt to record here that, even prior to earning acquittal, the complainant had moved an application under Section 156(3) of the

**CRM-M-12896-2024****4**

Cr.P.C., thereby seeking registration of FIR against Insp. Tejinder Singh and D.S.P. Balwinder Singh, however, this application remained inactioned. Consequently, after pronouncement of the verdict dated 05.06.2013, the complainant again filed an application by enclosing therewith the copy of that verdict, thus seeking decision on his application (supra) in a time bound manner. Accordingly, vide order dated 22.03.2014, the learned Magistrate concerned ordered for registration of FIR against the errant officials/officers (supra), which constituted the bedrock for registration of the impugned FIR No.116 dated 13.04.2014, under Sections 167, 467, 468, 471, 201, 120-B of the IPC, registered at P.S. City Sangrur, District Sangrur. Thereafter, investigation was conducted by an S.I.T. constituted by the competent authority, whereupon, the Final Report was presented on 18.09.2015. During investigation, the petitioner was found to be an accomplice of the errant officials/officers (supra) and accordingly, he was also sent to face trial along with them. Thereafter, approx. 09 years post the presentation of the final report, the petitioner moved an application (Annexure P-8) under Section 306 of the Cr.P.C. before the learned trial Court concerned, thereby seeking permission to become an approver and to grant him pardon. Although this application was supported by the Public Prosecutor by filing reply that the petitioner is the best witness and can disclose the true facts, however, it was dismissed by the learned trial Court concerned by recording the hereinafter extracted observations in the impugned order:-

“...But the case in hand is not the one which can be said to be solely dependent on the alleged version of the approver. The applicant only to save himself moved this application by mentioning that Log book



were prepared at the instance of DSP Balwinder Singh only and concealed the true facts. The SIT was formed by the order of SSP, Sangrur dated 27.04.2014 and on the recommendation of the SIT, applicant Ranjit Singh was nominated in the present case. There is proper evidence on the file, all the members of SIT, the police officials of vigilance department who prevented accused Ranjit Singh to change the pages of log book are on the file which is sufficient for the purpose of the case. There is no need of approver. Even without that there is sufficient material on record to proceed ahead with the trial. The applicant seems to have moved the application just to escape the legal consequences of the alleged incident. But that is not the spirit behind the legal provision.”

6. In this way, the petitioner has been driven to this Court to assail the impugned order.

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE PETITIONER

7. The prime argument of the learned counsel for the petitioner is that, despite the petitioner's application becoming supported by the learned Public Prosecutor, yet the learned trial Court concerned has not decided the same in consonance with the object of Section 306 of the Cr.P.C. He argues that, since at the relevant time, the petitioner was posted as Driver with one of the main accused D.S.P. Balwinder Singh, therefore, he is the best witness to unveil the true events and the learned trial Court concerned ought to have segregated grain from the chaff by exercising its power under Sections 306 and 307 of the Cr.P.C. in order to impart due and substantial justice and to unearth the truth behind the alleged incident.

8. The learned counsel for the petitioner next argues that, even the verdict of acquittal dated 05.06.2013, as recorded in favour of the respon-

**CRM-M-12896-2024****6**

dent No.2, makes it evident that, in fact, it was only Insp. Tejinder Singh and D.S.P. Balwinder Singh, who in collusion with each other, created false government record vis-à-vis logbook entries of government vehicle, thus falsely implicating the respondent No.2 in FIR No.68 (supra). He further argues that, although the change/altercation in the logbook entries was made by the petitioner, however, the petitioner had to do it at the behest of his superior officer-D.S.P. Balwinder Singh. Therefore, the petitioner is the best witness, who can bring to light all the true and material facts related to the alleged incident.

9. Concluding his arguments, the learned counsel for the petitioner places reliance upon the hereinafter extracted judgments rendered by the Hon'ble Supreme Court and by a Division Bench of this Court, to contend that, Court has power to tender pardon at any stage of the trial and this power can be invoked on request of accused or any person related to the offence.

(i) Lt. Commander Pascal Fernandes Versus State of Maharashtra and others, 1968 AIR (Supreme Court) 594. (Hon'ble Supreme Court)

(ii) Jasbir Singh Versus Vipin Kumar Jaggi, 2001(3) R.C.R. (Criminal) 818. (Hon'ble Supreme Court)

(iii) Sushil Kumar and another Versus State of Punjab, 2019(1) Law Herald 477. (Division Bench of this Court)

REASONS FOR DISMISSING THE INSTANT PETITION

10. This Court has heard the submissions made by the learned



counsels for the parties and also made a studied survey of the entire record, but, there does not appear any illegality or perversity in the impugned order, as became drawn on petitioner's application (Annexure P-8).

11. Before recording the reasons for arriving at the conclusion (supra), it is deemed apt to, at this juncture, make a survey of Section 306 of the Cr.P.C. This Section deals with tender of pardon to an accomplice in an offence at any stage of investigation/inquiry/trial of the offence, but, on the condition that he/she makes a full and true disclosure of the whole of the circumstances within his/her knowledge relative to the offence and to every other person concerned. Moreover, this Section can come into effect only when:- (i) the offence is triable exclusively by the Court of Session or by the Court of a Special Judge appointed under the Criminal Law Amendment Act, 1952 (46 of 1952); and (ii) the offence is punishable with imprisonment which may extend to seven years or with a more severe sentence.

12. Succinctly stated, the object of Section 306 of the Cr.P.C. is to obtain true events of offence by grant of pardon to an accomplice, so as to prevent the escape of main offender(s) from punishment owing to dearth of evidence.

13. The reason(s) for dismissing the instant petition and for upholding the impugned order ensues from the factum that none of the grounds canvassed by the petitioner in his application (Annexure P-8), which are elaborated hereinafter, are sufficient for tendering pardon to him.

14. The application (supra) was anchored primarily on the ground that the petitioner had, while deposing as DW-20 in the trial launched



against respondent No.2 in FIR No.68 (supra), proved the original logbook entry(ies) vide Ex.D20/A to Ex.D20/D and also disclosed the true facts in his deposition, therefore, he is the best witness for success of prosecution's case. Another ground canvassed by the petitioner in his application was that the learned trial Court concerned had, in its verdict dated 05.06.2013, rendered a finding adversarial only to Insp. Tejinder Singh and D.S.P. Balwinder Singh and even direction for initiation of criminal proceedings were also issued only against these official(s)/officer(s). Not only this, even the then District Attorney (Legal) Sangrur had not opined anything against the petitioner, rather had given an opinion detrimental to Insp. Tejinder Singh and D.S.P. Balwinder Singh.

15. To the considered mind of this Court, the learned trial Court concerned has rightly drawn the impugned order thereby dismissing the application (supra), inasmuch as, none of the grounds portrayed in the said application constituted sufficient cause for tender of pardon, especially when, even in the absence of petitioner's sole testimony as an approver, there is other sufficient material available on record to proceed further with the trial. Moreover, the application (supra) does not make any mention that the petitioner has made a full and true disclosure of whole of the circumstances, which would bring home the guilt of other accused.

16. In the case at hand, this Court concurs with the observations recorded by the learned trial Court concerned in the impugned order that, the record is replete with proper evidence and mere absence of petitioner's alleged version as an approver would not cause any dent on prosecution ver-



sion, inasmuch as, this case cannot be said to be dependent only on his alleged version. Moreover, the evidence now sought to be tendered/disclosed by the petitioner, has already been disclosed by him while deposing as DW-20 in the trial launched against respondent No.2 in FIR No.68 (supra). Furthermore, the present case is mainly based on documentary evidence, which has already been collected and placed on record by the S.I.T., therefore, in such circumstances, the evidence of the petitioner as an approver is not necessary. The making of the application (supra) appears to be a dilatory tactic adopted by the petitioner for delaying the conclusion of trial and for saving himself from legal complications.

17. In summa, the instant petition is **dismissed** and the impugned order dated 20.02.2024 is hereby upheld.

April 29, 2024
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No