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

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Date of decision : 02.12.2024

Jagdish Parshad**..... Petitioner****V/S****State of Haryana and Anr.****..... Respondents****CORAM : HON'BLE MRS. JUSTICE AMARJOT BHATTI**

Present: Mr. Aditya Sanghi, Advocate for petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

AMARJOT BHATTI J.

1. Petitioner Jagdish Parshad has filed present petition under Section 482 of Cr.P.C. for quashing of FIR No.602 dated 12.11.2020, under Sections 420 & 476 of IPC, 1860, registered at Police Station City Narnaul, District Mahendergarh (Annexure P-2) as well as final report under Section 173 Cr.P.C. (Annexure P-1) and all consequential proceedings arising thereon.

2. As per facts detailed in the FIR, on 12.11.2020 ASI Ashok Kumar and police party was present near Railway Crossing on Nangal Chaudhary road when he received secret information that in front of Haryana Public School near L-1 Liquor Vend two canters were parked having same registration number i.e. NL-01-AA-7094. It was further informed that there was a possibility that said vehicles were involved in some illegal activity.

Since the information was from reliable source, government photographer



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Phool Kumar was telephonically told to reach on the spot. Raid was conducted as per information, inside L-1 Liquor Vend two vehicles were parked bearing same registration number. Workers were present inside L-1 Liquor Vend who were told to produce the record of ownership of said vehicles but they could not produce the same. First canter was opened and checked which was loaded with carton boxes and the other canter was loaded with fodder (bhusa). On the basis of aforesaid factual position, FIR was registered against owners of both the vehicles and owner of L-1 Liquor Vend under Section 420 of IPC.

During the course of investigation, it was found that canter bearing registration No.NL-01-AA-7094 was owned by Dinesh Yadav son of Nityanand Yadav and the second canter belonged to Mukesh Kumar son of Nandram on which fake number plate was used for transportation of liquor. In fact said vehicle was bearing registration No.RJ-14-GH-2429. During investigation, Dinesh Yadav was found to be innocent. After completion of investigation challan was presented against Jagdish Prashad (petitioner) and co-accused Mukesh Kumar in which charges are yet to be framed.

3. Learned counsel for petitioner argued that Jagdish Parshad has not committed any offence. There are no allegations that he prepared fake number plate and fixed it on the canter owned by co-accused Mukesh Kumar. Present petitioner had nothing to do with co-accused Mukesh Kumar or the vehicle which was owned by him. No objectionable articles were recovered from the said canter which was parked in the premises of present petitioner.



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Therefore, criminal litigation initiated against him is without any basis. He was license holder for the year 2020-21. Letter written by Deputy Excise and Taxation Commissioner, Narnaul is Annexure P-5. Jagdish Parshad had given power of attorney to Rakesh for carrying on the business. Said General Power of attorney is Annexure P-6. Present petitioner is unnecessarily dragged in the litigation. Therefore, present petition filed by him may be allowed and FIR No.602 dated 12.11.2020, under Sections 420 & 476 of IPC, 1860, registered at Police Station City Narnaul, District Mahendergarh (Annexure P-2) may be quashed qua present petitioner.

4. Learned counsel representing State opposed the present petition and filed detailed status report confirming the factual position. It is pointed out that two canters bearing same registration number were found parked in the premises of L-1 Liquor Vend owned by present petitioner. During the course of investigation, present petitioner was joined in the investigation and also suffered disclosure statement. Mukesh Kumar owner of canter No.RJ-14-GH-2429 could not deposit the installments of the vehicle and in order to prevent the financier to take over the said vehicle, he used fake number plate of other canter i.e. NL-01-AA-7094 which was being used for transportation of liquor pertaining to the firm M/s Jagdish on Nangal Chaudhary Road, Narnaul. It is conceded that Dinesh Yadav, owner of canter bearing registration No.NL-01-AA-7094 was found to be innocent, thus not challaned in the case and the challan is presented against present petitioner along with co-accused Mukesh Kumar. It is further pointed out that present petitioner is involved in other FIRs as detailed in para No.10 of the status



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report which indicates that two of the FIRs were cancelled, in two FIRs he was discharged and in other two FIRs he was facing trial. Since the canter with fake number plate was used for transportation of liquor, therefore present petitioner is required to face the trial.

5. I have considered the arguments and have gone through the record carefully. Facts of the case are not disputed by petitioner. Present petitioner Jagdish Parshad is having L-1 Liquor Vend in front of Haryana Public School from where two canters having same number plate were apprehended. One canter with number plate NL-01-AA-7094 owned by Dinesh Yadav was found to be genuine and he was accordingly found innocent. The other canter bearing aforesaid number plate was in fact having registration No.RJ-14-GH-2429 owned by Mukesh Kumar son of Nandram. It is pointed out that both the canters were being used for transportation of liquor. In the entire FIR there is nothing on record to show that there was any kind of connivance between the present petitioner and Mukesh Kumar for fixing fake number plate on the canter owned by Mukesh Kumar co-accused. As per the status report, canter owned by Mukesh Kumar was financed and as the instalments were not paid, Mukesh Kumar affixed fake number plate so that his vehicle was not taken over by the Finance Company. No overt act is attributed to petitioner. Even no contraband was recovered from the said canters parked in his premises. Mere fact that the canter was parked in the premises of present petitioner does not show that he had played any role in fixing fake number plate on the canter allegedly owned by co-accused Mukesh Kumar.



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In the light of aforesaid factual position, I find merits in the petition filed by petitioner and the same is allowed and FIR No.602 dated 12.11.2020, under Sections 420 & 476 of IPC, 1860, registered at Police Station City Narnaul, District Mahendergarh (Annexure P-2) as well as final report under Section 173 Cr.P.C. (Annexure P-1) and all consequential proceedings arising thereon qua present petitioner Jagdish Parshad are accordingly quashed.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(AMARJOT BHATTI)
JUDGE

02.12.2024.*Sunil Devi*

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