



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-31821-2024 (O&M)

Date of decision: 19.09.2024

Dalbir Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. C.L. Sharma, Advocate for the petitioners.

MANJARI NEHRU KAUL, J.

1. The instant petition has been filed under Section 482 of the Cr.P.C. for quashing of FIR No.0052 dated 12.03.2024 under Sections 323, 307, 458, 195A, 436, 511, 379B, 427, 148, 149 of the IPC and Sections 25 and 27 of the Arms Act, 1959 registered at Police Station Tanda, District Hoshiarpur, along with all consequential proceedings arising therefrom.

2. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the instant case for allegedly carrying out a life threatening attack along with 15-20 of their accomplices. Allegedly the petitioners and the other co-accused entered the house of the complainant armed with lethal weapons such as *datars*, sticks and guns and caused multiple injuries to the complainant and his son. Learned counsel has asserted that the petitioners have been falsely implicated in the present case solely due to the influence of the complainant-respondent No.2, who, in collusion with one ASI



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Rajwinder Singh, officer in charge of Police Post Basti Borah, Tanda, and a relative of the complainant-respondent No.2 fabricated a false version in the FIR with malicious intent to harass the petitioners and implicate them in frivolous cases.

3. It has been further contended by the learned counsel that this is not for the first time that the complainant has falsely implicated the petitioners. In a previous case, filed in collusion with his father, the complainant had levelled similar allegations against the petitioners. However, upon an application given by the petitioners in that case, Superintendent of Police (SP) conducted an investigation and, in a report dated 15.05.2020, concluded that the petitioners namely Surjit Singh and Dalbir Singh, had not participated in the incident at that time. Learned counsel has submitted thus it is evident that on account of previous enmity complainant-respondent No.2 is trying to implicate the petitioners in frivolous cases.

4. Additionally, learned counsel has highlighted that the house of the complainant has a wall approximately 7 feet high, making it impossible for anyone standing on the street to see inside the house or fire into it, which further discredits the allegations levelled against them in the present FIR. Learned counsel has also submitted that there are significant discrepancies in the allegations levelled in the FIR, which casts serious doubt on the version brought forth by respondent No.2 and, therefore, the FIR in question deserves to be quashed.

5. I have heard learned counsel for the petitioners and perused the relevant material on record.



6. Undoubtedly, this Court is vested with extraordinary powers under Section 482 of the Cr.P.C./528 of the BNSS, but such powers must be exercised with caution and great circumspection. At this stage, the powers of this Court are limited to determining whether the FIR in question discloses the commission of a cognizable offence or not. Before proceeding further, it would be apposite to reproduce the FIR which has been annexed as Annexure P-1 and stands reproduced hereinunder:-

“Statement of Jaswinder Singh s/o Bakhshish Singh r/o Rani Pind P.S. Tanda Distt. Hoshiarpur aged 53 yrs Mb.No.9914789240. Stated that I am resident of abovementioned address and am agriculturist. On 10.3.2024 there was marriage of my son Maninder Singh and many of our relatives were at our home. On 11.2.24 at about 6.30 PM, I alongwith my son Maninder Singh, my wife Sarabjit Kaur, my sister Rupinder Kaur w/o Hardeep Singh r/o Keeri Afgana P.S.Sri Hargobindpur Distt. Gurdaspur and my daughter in law-Shubpreet Kaur were present at our home and were counting the Shagun money. My son gave his golden chain (Kaintha) & golden Karah to his mother and my daughter in law also gave golden set and bangles to my wife(her mother-in-law). At that time we heard shouting sound in the street and saw Surjit Singh s/o Chanan Singh armed with double barrel gun, Mandeep Singh s/o Surjit Singh armed with Dater, Amrik Singh s/o Milk Singh and Dalbir Singh s/o Chanan Singh empty handed, Gurnek Singh @ Harnek Singh s/o Harmiter Singh residents of Rani Pind and brother-in-law of Mandeep Singh r/o of Bhatnura, armed with Stick alongwith 15/20 persons armed with Dater, Basbal and Sticks, standing in the street. On seeing me Surjit Singh raised alarm saying catch him, we must teach him lesson for giving evidence against us and with his gun he fired in the air. Then they all started throwing bricks towards my house. Gurdev Singh @ Harnek Singh took out his revolver and with intention to kill me, fired at me which did not hit me and passed above my head. In the meanwhile Mandeep Singh alongwith other unknown persons with the help of datars & sticks broke open the gate of our house and entered into our house. Manjeet Singh gave blow with reverse side of his datar that hit on nose of my son Manjinder Singh. When I came to save my



son Manjinder, Mandeep Singh gave blow with reverse side of his datar that hit on my nose. Those unknown persons also gave blow with reverse side of their datar that hit on backside of my right and left thigh. One of those unknown persons gave stick blow on my back. Brother-in-law of Mandeep Singh gave stick blow that hit on my forehead. One unknown person gave blow with baseball that hit on left hand writ of my son Manjinder. My sister Rupinder Kaur started making video of the scene on her mobile. Then those above mentioned persons broken the glasses of windows and doors of our house and also damaged our Bullet Motorcycle No.PB-07-Z-5382 and my swift car, parked in the courtyard of our house. Mandeep Singh damaged the household items lying in the kitchen and after cutting the gas cylinder pipe with Datar tried to set the house on fire saying that he will kill all members of the house. Mandeep Singh and other unknown persons also picked-up the golden jewelery of my son and daughter in law and also 50/60 thousand cash lying there. When my wife-Sarabjit Kaur tried to take those golden jewelery & cash from the said persons, they gave her slaps and also removed the golden wrings from her ears. Brother in law of Mandeep Singh then snatched the mobile from my sister Rupinder Kaur who was making the video recording on her mobile. On hearing the noise save...save... some people from the neighborhood rushed towards our house. On seeing them all the abovementioned accused persons fled away from the scene with their respective weapons. My brother's son- Khushdeep Sjingh s/o Buta Singh took me and my son to Civil Hospital Tanda where the doctors after giving first-aid treatment, referred us to the hospital. Then said Khushdeep Singh took both of us and got us admitted in Jjohal Hospital Batala where we are under treatment. The main reason behind this entire occurrence is that on 4.9.2019 said Mandeep Singh, Surjit Sjingh and Dalvir Singh cause injuries on the person of my neighbor Ratan Singh s/o Piara Singh whereupon a FIR No.213 dated 10.9.2019 U/S 323,341,452,307,379,506,148,149 IPC and Sec.30 of Arms Act was registered against them at P.S Tanda. In that case I was the eye witness and they were threatening me not to depose against them. Due to this reason, they now caused injuries on my person and my son, damaged our house and tried to set the house on fire. Action as per law may be taken against them. I have read the statement and found it correct. Sd/- Jaswinder Singh. ”

7. A perusal of the above reproduced FIR contains specific allegations against the petitioners, of allegedly carrying out a life



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threatening attack on the injured complainant, Jaswinder Singh, along with 15-20 other accomplices, who too were armed with deadly weapons; the unlawful assembly comprising of the petitioners also allegedly inflicted injuries on the complainant-respondent No.2 and his son after forcibly entering their house. In addition, there are allegations that the assailants, including the petitioners, assaulted the wife and son of the complainant, broke windows and also damaged the house and vandalise vehicles including cutting the gas cylinder pipe with a *datar* so as to set the house on fire. Before fleeing away, the petitioners allegedly took away gold jewellery and cash amount from the house of the complainant. Thus, the FIR contains specific allegations against the petitioners of carrying out a life threatening attack along with the other co-accused.

8. At this stage, this Court cannot be expected to go beyond the allegations levelled in the FIR, much less delve into the defence set up by the petitioners. The material relied upon by the petitioners can certainly not be considered at this stage nor can this Court examine the truthfulness of the allegations levelled in the FIR.

9. The truthfulness or otherwise of the allegations levelled would be tested during trial when the parties would present their respective evidence which would then be tested on the touchstone of cross examination. As a sequel to the above, this Court is not inclined to quash the FIR in question. The instant petition stands dismissed accordingly.

10. Pending applications, if any, stand disposed of.

11. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

19.09.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No