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

**CRM-M-34227-2022**

Reserved on : 23.08.2024

Pronounced on: 30.08.2024

Alamjit Singh Mann

..... Petitioner

Versus

UT Chandigarh and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present:     Mr.Bipan Ghai, Senior Advocate with  
                 Mr. Nikhil Ghai, Advocate,  
                 Mr. H.S.Rajput, Advocate,  
                 Mr. Nikhil Thamman, Advocate and  
                 Ms. Malini Singh, Advocate, for the petitioner.

Mr. Rajeev Anand, Addl.PP, UT, Chandigarh  
for respondents No.1 and 3.

Mr. Shobit Phutela, Senior Panel Counsel for  
respondent No.2 (through VC).

**Rajesh Bhardwaj, J.**

1.             Instant petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.06 dated 19.01.2022 registered under Sections 419 and 120-B IPC (Sections 471, 473, 120-B IPC and Section 66-D of IT Act added lateron), at Police Station Sector-19, Chandigarh alongwith all the subsequent proceedings arising therefrom.

2.             As per facts of the case, Ajay Singh, Deputy Director O/o Directorate of Enforcement/Government of India (Foreign Exchange Management Act & Prevention of Money Laundering Act), lodged the present FIR on the allegations that Girish Tyagi and Jitender Kumar were impersonating as officers of Enforcement Directorate. It was alleged that no such persons were posted in the office of Directorate as claimed by them. It



was apprehended that they are likely to cheat gullible persons and thus, necessary action under the relevant Sections be taken against them. After lodging the FIR, name of present petitioner surfaced on the basis of the disclosure statement of co-accused Girish Tyagi @ Taranjit Singh and thus, he was nominated as an accused in the present FIR. Hence, the petitioner has approached this Court praying for quashing of the FIR as there is no evidence against him to substantiate the disclosure made by the co-accused.

3. It has been vehemently contended by learned Senior Counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He has submitted that the petitioner has been made a scapegoat in the present case as he has earned wrath of the senior officers, against whom he started campaigning to make the people aware of the corruption and malpractices. It is submitted that neither the petitioner was named in the FIR nor there was any allegation made against him. However, simply on the basis of the disclosure statement of co-accused Girish Tyagi @ Taranjit Singh, he has been clandestinely roped in the present case. It is submitted that on 18.01.2022, the petitioner gave a complaint against accused Girish Tyagi to Income Tax Department and on 21.01.2022, he gave another complaint against Girish Tyagi to Enforcement Directorate through email. However, the petitioner was arrested on the same day i.e. on 21.01.2022. It is submitted that the petitioner was brought before learned JMIC, Chandigarh on 22.01.2022, where police remand of five days was sought vide application dated 22.01.2022. He submits that learned Magistrate vide a detailed order dated 22.01.2022, declined the same finding no material against the petitioner. He has submitted that the



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Investigating Agency assailed this order by way of filing revision petition before learned Additional Sessions Judge, Chandigarh, who vide order dated 28.01.2022 remanded back the case to learned Magistrate. It is submitted that on remand, learned Magistrate passed a fresh order on 01.02.2022 on the application of remand and allowed the Police to interrogate the petitioner while he was in judicial custody, confined in Central Jail Bathinda. It is submitted that thereafter, the petitioner was granted regular bail by this Court vide order dated 22.03.2022. On completion of investigation, the Investigating Agency filed the charge-sheet under Section 173(2) Cr.P.C., which is pending for framing of charges. He has vehemently contended that the petitioner himself is the victim of impersonation whereby he was induced by accused Girish Tyagi who portrayed himself as Taranjit Singh by changing appearance of an aged bed ridden old person. He submits that the petitioner is a social worker and known for his generosity for helping the poor and needy people. It is submitted that the petitioner transferred an amount of Rs.20,000/- to Taranjit Singh on 10.01.2022, who lateron was discovered as Girish Tyagi. It is further submitted that Girish Tyagi contacted the petitioner through petitioner's website, where he gave his number to the petitioner through pop-ups/comments over the posts of the petitioner. He has drawn the attention of this Court to the whatsapp chat/video recording of the petitioner with Girish Tyagi, which reads as under:-

“VIDEO RECORDING 1  
(2 Minutes 41 Seconds)  
Date: 23rd November 2021  
Time: 19:05



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- Girish Tyagi:- Bahut ache dost hai hum, ikathe pade hain. Hum LUCKNOW mein ikathe the Voh abh Punjab shift ho gaye hai. 91 mein Punjab aa gaye the.
- Alamjit Singh Mann:- Ok, Ok. Aap Delhi mein kaha beththe ho?
- Girish Tyagi:- Mai, South Block mein.
- Alamjit Singh Mann: Department Sir kaun sa hai pura?
- Girish Tyagi: Apna Home Affairs Ministry.
- Alamjit Singh Mann:- Ok, Home Affairs Ministry. Vaha pe as a kya post hai aapki?
- Girish Tyagi:- Mai Amit Shah ji ke saath hi hu.
- Alamjit Singh Mann:- Ok, Ok. Usme kya post hai aapki vaha pe?
- Girish Tyagi:- Mai Amit Shah ji ke jo Principal Secretary hai, unka Assistant hu.
- Alamjit Singh Mann:- Ok Ok Ok
- Girish Tyagi:- Toh, saara mai hi dekhta hu, saara mai hi dekhta hu.
- Alamjit Singh Mann:- Mai samaj geya aapki baat.
- Girish Tyagi:- Aaj meeting thi ED mein. Toh, voh file leke bethe hue the, one by one usko dekh rahe hai.
- Alamjit Singh Mann:- Ok Ok ji.
- Girish Tyagi:- Kyunki election mein yeh sabh files khulengi.
- Alamjit Singh Mann:- Hanji Hanji, bilkul bilkul.
- Girish Tyagi: Yeh hi right time hai.
- Alamjit Singh Mann:- Ha, bilkul bilkul. Hai bhi yeh right time hai ji. Balki maine toh Sir ek do baari Amit Shah ji se time bhi manga hai. Even mere ko na apki Home ki chithi bhi aai thi piche.
- Girish Tyagi:- Acha



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- Alamjit Singh Mann:- In officers ke against mere ko chithi aai thi ki aap hume aake mil Ike jao. Phir meri unse baat bhi hui thi kisi bande se vaha pe
- Girish Tyagi:- Acha Acha. Koi nahi aap mujhe na yeh detail bhejiye. Aur mai aapko na unka apne friend ka number bhejunga. Agar aap
- Alamjit Singh Mann: Nahi Nahi, bhejo Sir.
- Girish Tyagi:- Unko mera pata nahi lagna chahiye. Pata nahi lagna chahiye.
- Alamjit Singh Mann:- Nahi Nahi Nahi mai unko bataunga nahi. Koi aisi baat nahi hai. Toh aap mere ko unka number bhej do. Mai apne tarike se baat karunga. Jitni meri maximum se maximum jo uski help hogi na, voh mai zaroor karva ke dunga.
- Girish Tyagi: Ha please ha. Mai bas yehi chahata hu na bas thoda sa na yeh study puri karvale aur thoda sa settle sa ho jaye.
- Alamjit Singh Mann:- Mai keha ji, mai uski study ke baare mein hi sochunga. Uska study ka jo hai na. feese fuse vo saara na, mai vo saara na uniform, feese vagera na, aur bhi jo hoyegi toh, dekho mai toh kisi NGO se na kabhi apni kisi line mein koi paisa liya hai.
- Girish Tyagi:- Mai samaj गया hu. Maine aapki story padi thi saari. Mai bahut appreciate karta hu aapko. Ek paisa liye bina, uske bawajud bhi itni help kar rahe hai logo ki.
- Alamjit Singh Mann:- Bas bas bas. Mujhe parmatma ne bada kuch diya hai. Bache mere NRI hai aur itna kuch de diya hai ki mai aapko bata nahi sakta Sir.
- Girish Tyagi:- Voh Parmeshwar saath hai aapke, Bhagwan saath mein hai.
- Alamjit Singh Maun:- Bas Bas Bas ji. Toh Sir aap mere ko number bhej do. Koi baat nahi. Toh mai aapko whatsapp karta hu abhi Sir.
- Girish Tyagi:- Theek hai, theek hai, theek hai.
- Alamjit Singh Mann:- Ok Sir, Ok Bhai Sahib. Sat Sri Akal



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Girish Tyagi:- Thank you Bhai Sahib.

Alamjit Singh Mann:- Welcome

Girish Tyagi Ok Bye

Alamjit Singh Mann- Bye”

4. With regard to payment of Rs.20,000/- by the petitioner to Grish Tayagi, it has been submitted by learned Senior Counsel for the petitioner that on 09.01.2022, Taranjit Singh @ Grish Tayagi told the petitioner that daughter of one Mona resident of Jalandhar is in need of money for applying plaster and for the same, she needed Rs.20,000/- and thus, on the request of Taranjit Singh @ Grish Tayagi the petitioner transferred Rs.20,000/-with a view to help that child for her treatment. The relevant whatsapp chat is reproduced as below:-

"Sir abhi hospital hu plaster lag raha hai, Ghar pahuch kar bhejta hum. Regards

Uncle sat shri aakal.....

M ohna di beti a uncle ah address aa...

Ujala Nagar near shevi patshahi gurudwara. Basti Sheikh, Ghaa mandi, Jalandhar

Dsp amroz singh ka phone aya tha

Mujhe nahi lagta app t singh ki help karoge. Chalo do lasho ka kriya karam or kar dena. Good night.

Ek ye hai

Your money transfer of Rs.20,000/- was successful.

Transferred to: 2201000105164640

Amount: Rs.20,000/-

Reference No.IMPS201021337570

Date: 10 Jan 2022



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Remarks: Other"

5. Learned Senior counsel has submitted that in view of the above whatsapp chat, no allegation is made out against the petitioner that he is helping or instigating Girish Tyagi @ Taranjit Singh for impersonating as ED Officer. It is submitted that the petitioner was roped in the instant FIR due to enmity with the senior officers against whom the petitioner filed numerous complaints. One of the detailed representation submitted by the petitioner is dated 05.02.2021. It is submitted that the Investigating Agency has scrutinized the whatsapp chat and six different mobile phones including four of the petitioner have been seized. However, nothing incriminating could be found against the petitioner who himself has fallen victim to this Girish Tyagi. He submits that there are various civil dispute pending before various forums with respect to the land of the petitioner situated in Zirakpur, SAS Nagar in which Directors/partners of MMD Infrastructure, namely, Amit Nanda and his associates are in litigation with the petitioner. He submits that there are four FIRs which pertain to the civil litigation of the petitioner regarding his land. It is submitted that during the investigation, there was not even a single witness found by the Investigating Agency who deposed against the petitioner rather they have given a statement against co-accused Girish Tyagi @ Taranjit Singh. However, the Investigating Agency has left no stone unturned to implicate the petitioner only in order to settle the score with him. He submits that no recovery whatsoever was effected from the petitioner and no allegation of any fake ID Card of CBI/ED officers was mentioned in the remand application filed by the Police. However, the same was planted by the Chandigarh Police in



order to further harass the petitioner. He submits that recovery of fake ID Cards of CBI/ED officials for the first time was mentioned to add offences under Section 471 & 473 IPC and offence under Sections 467 & 468 IPC. He submits that when after a thorough investigation, no victim was found by the Investigating Agency, the allegations made against the petitioner regarding committing of the offences, are not substantiated, the false implication of the petitioner is writ large. It is submitted that only in order to harass the petitioner, he has been termed as habitual offender, whereas, FIR No.105 dated 08.04.2019, FIR No.267 dated 20.06.2020 & FIR No.308 dated 23.05.2021, pertain to dispute regarding the land of the petitioner and the same has no concern whatsoever with the allegations made against the petitioner in the impugned FIR. He has relied upon the judgment of Hon'ble Supreme Court in State of Haryana vs Bhajan Lal, 1992 Supp (1) SCC 335 and has submitted that once on the bare reading of the FIR no case is found to have been made out against the petitioner, such prosecution is nothing but an abuse of the process of the Court, hence the FIR in question deserves to be quashed.

6. Learned counsel for UT, Chandigarh has opposed the submissions made by learned Senior Counsel. He has submitted that though the petitioner is not named in the FIR, however, his name is surfaced during the interrogation of the co-accused. He submits that co-accused Girish Tyagi @ Taranjit Singh made a disclosure statement regarding the involvement of the petitioner and thereafter, recovery of fake ID Cards of CBI/ED officials was effected from him. It is submitted that there are four other FIRs against the petitioner and thus, he is a habitual offender. He



submits that FIR was lodged on the complaint of Deputy Director O/o Directorate of Enforcement/Government of India and thus, there is *prima facie* case found against the petitioner and hence, he has been rightly challaned by the Investigating Agency. Thus, he has submitted the present petition being devoid of any merit, deserves to be dismissed.

7. Learned counsel for respondent No.2 has also opposed the submissions made by learned Senior Counsel and argued on the same line of learned counsel for UT, Chandigarh. He has submitted that challan has already been filed in the present case and the questions raised herein would be appreciated by the trial Court after conclusion of the trial. He submits that there being no merit in the present case, the same deserves to be dismissed.

8. Heard.

9. After hearing learned counsel for the parties and perusing the record, it is apparent that the impugned FIR was registered on the complaint filed by respondent No.2. The allegations made in the complaint were against Girish Tyagi @ Taranjit Singh and Jitender Kumar regarding impersonation as Enforcement Directorate Officers. Respondent No.3- UT, Chandigarh registered the FIR and commenced the investigation. During the investigation, a disclosure statement of the co-accused Girish Tyagi @ Taranjit Singh was recorded, who made the allegations against the petitioner regarding instigating him for cheating the high profile politicians and bureaucrats. It was contended by learned State counsel that the petitioner used to provide phone numbers of these high profile persons and then both these accused in conspiracy used to cheat the victims. As deciphered from

the record, the investigation is complete and the challan under Section 173(2) Cr.P.C. has been filed. Though the allegations against the petitioner are regarding instigating co-accused, however, the prime evidence collected against the petitioner is the disclosure statement of the co-accused and recovery of some fake ID cards of CBI/ED Officers. However, on repeated queries, counsel for the State was not able to point out the victims who had fallen prey to the petitioner. Thus, there is no material found against the petitioner showing that the petitioner had impersonated any officer/politician or the person whom he might have cheated. Disclosure statement of the co-accused in itself is not an admissible evidence. Perusal of the four FIRs on the basis of which the petitioner was termed to be habitual offender would show that the same pertains to civil dispute of the petitioner with one Amit Nanda regarding his landed property, details of which are as follows:-

| Sr. No. | Particulars                                                                               | Status                                                          |
|---------|-------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| 1.      | FIR No. 105/2019 u/s 420, 120-B IPC P.S. Zirakpur                                         | FIR quashed vide order dated 18.08.2023 in CRM-M-19471 of 2023. |
| 2.      | FIR No.37/1995 u/s 420, 467, 468, 471, 120-B IPC P.S Sector 36, Chandigarh                | Acquitted by LD. JMIC, Chandigarh                               |
| 3.      | FIR No.267/2020 u/s 406, 120-B IPC and section 82 of Registration Act, 1908 P.S. Zirakpur | FIR Quashed vide order dated 18.08.2023 in CRM-M-19461 of 2023  |
| 4.      | FIR No.308/2021 u/s 406, 420, 120-B IPC P.S. Zirkapur                                     | FIR quashed vide order dated 18.08.2023 in CRM-M-19165 of 2023  |

10. These FIRs have nothing to do with the allegations as made against the petitioner in the impugned FIR. Whatsapp chats appended with



the petition would also reflect that the co-accused was trying to influence the petitioner portraying himself to be well connected person. Perusal of the first remand application filed by the Police would also show that there were no allegations regarding recovery of alleged fake ID cards of CBI/ED officials and hence, the same was rejected by learned Magistrate. On remand by learned Additional Sessions Judge, the alleged recovery was incorporated. Thus, in the overall facts and circumstances of the case, no substantial evidence is on the record justifying the prosecution of the petitioner.

11. The judgment relied upon by learned Senior Counsel is fully applicable to the case in hand. Hon'ble Supreme Court in **Bhajan Lal's** (supra) has as under:-

“107. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any Court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

1. Where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against



the accused.

2. Where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under Section 156 (1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code

3. Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

4. Where, the allegations in the F.I.R. do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

5. Where the allegations made in the F.I.R. or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

6. Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

7. Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.

108. We also give a note of caution to the effect that the power of quashing a criminal proceeding should be exercised very sparingly and with circumspection and that too in the rarest of rare cases; that the Court will not be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the F.I.R. or the complaint and that the extraordinary or inherent powers do not confer an arbitrary jurisdiction on the Court to act according to its whim or caprice.”

12. In view of the law settled by Hon’ble Supreme Court in above said cases, this Court is of the view that *prima facie* the ingredients of the offence alleged against the petitioner, are not made out from the material relied upon by the Investigating Agency. So the prosecution of the petitioner in the present case will be a futile exercise.

13. Keeping in view the above discussion and the law settled by Hon’ble Supreme Court, the present petition is allowed. FIR No.06 dated 19.01.2022 registered under Sections 419 and 120-B IPC (Sections 471, 473, 120-B IPC and Section 66-D of IT Act added lateron), at Police Station Sector-19, Chandigarh alongwith all the subsequent proceedings arising therefrom is quashed qua the petitioner.

30.08.2024

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned

:

Yes/No

Whether Reportable

:

Yes/No