



**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-39024-2024 (O&M)
Date of Decision:-12.8.2024

Amrik Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jatinder Singh Mundi, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by ASI Lakhwinder Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks quashing of FIR No.31, dated 30.1.2023 registered at Police Station Tanda, District Hoshiarpur, under Sections 304-A, wherein offence under Section 279 IPC was deleted and Section 304 IPC was added later on, and all consequential proceedings emanating therefrom.
2. The FIR in question was lodged at the instance of Pardeep Gill, wherein it is alleged that his father aged about 60 years was a labourer by profession and that on 29.1.2023 at about 10.30 A.M. he had gone to meet his friend Harminder Singh but did not return back till night. When the complainant and others tried to look for Manjit Singh, they found his dead body by the road side on Jaja Road, which was bearing multiple injuries. It is alleged that Manjit Singh had been hit by some unknown vehicle and that the driver had fled away from the spot.



3. During the course of investigation, the police recorded statement of one Harminder Singh on 8.2.2023, wherein he stated that on 29.1.2023, when he was returning back home from work at about 06:15 P.M., then a car bearing registration No.PB-23-Y-3422 passed by him at a high speed and then went to the right side of the road and hit against a person walking on foot as a result of which the said person sustained several injuries. He further stated that although the driver had stepped out of the car and he (Harminder Singh) asked the said driver to take the injured to hospital, but the driver fled away from the spot in his car. The said person further stated that the name of the deceased was Manjit Singh.
4. Learned counsel for the petitioner has drawn the attention of this Court to Annexure P-9, which is a statement of Shri Sukhjinder Gill, brother of the deceased. The said statement is stated to have been made before Chairman, Punjab State Commission for Minorities on 15.2.2023, wherein brother of the deceased categorically stated therein that the **offending driver was Amarjit Singh**. Learned counsel for the petitioner submitted that although the brother of deceased has been categorical about his stand that the offending vehicle was being driven by Amarjit Singh, who is infact son of owner (Zora Singh) of the offending vehicle, but interestingly when the police recorded the statement of Zora Singh i.e. father of Amarjit Singh, he stated that he had given his car to his friend Amrik Singh for a day to attend some function and it was on the said solitary statement that now challan has been filed against Amrik Singh.
5. Learned counsel for the petitioner further submitted that the complainant had been serving Punjab Police and that several of his relatives are also in Punjab Police and that while exercising their influence, they have falsely got the



petitioner implicated. It has further been submitted that the complainant has even managed to get the FIR under Section 304-A IPC converted to offence under Section 304 IPC.

6. Since the matter is stated to be at the stage of framing of charges, this Court does not deem appropriate to interfere at this stage. However, it shall be open to the petitioner to raise all the pleas as have been raised herein before the Trial Court at the stage of framing of charges. The Trial Court shall pass a detailed order in case all such pleas are raised before it.
7. The instant petition stands disposed off accordingly.

12.8.2024

pankaj

(Gurvinder Singh Gill)
Judge

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