



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

124

CRM-M-40083-2024

Date of decision: 20.08.2024

Simranjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sant Pal Singh Sidhu, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

1. The instant petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of order dated 16.04.2024 (Annexure P-4) vide which an application filed by the petitioner under Section 311 of the Cr.P.C., in case FIR No.46 dated 07.05.2018 (Annexure P-1) under Sections 307, 323, 325, 34 of the IPC and Sections 25/30 of the Arms Act, 1959, registered at Police Station Sadar Faridkot, District Faridkot, was dismissed.

2. Learned counsel for the petitioner has argued that the learned Trial Court erroneously dismissed an application moved by the petitioner under Section 311 of the Cr.P.C. vide the impugned order. While drawing this Court's attention to the FIR which has been annexed as Annexure P-1, it has been asserted that it was lodged by the petitioner himself wherein he had categorically alleged that the accused had inflicted serious injuries to his wife and daughter. Following a thorough investigation, a charge sheet was duly filed against the accused; the prosecution evidence was now underway. Learned counsel

**CRM-M-40083-2024**

has further submitted that the petitioner has already been examined before the learned Trial Court as PW5, while his wife, Amandeep Kaur, has been partly examined as PW15. It has also been brought to the notice of this Court that the petitioner had previously submitted multiple complaints to the police, one of which was also lodged by one individual named Balbir Singh. As per the learned counsel, the accused had thus been harbouring a deep-seated grudge against the petitioner and his family which is evidenced by the numerous complaints filed against them, including one on the day of the occurrence itself. Learned counsel has argued that these complaints would be crucial to establishing the motive behind the actions of the accused. However, despite their significance, the investigating officer had failed to attach these documents to the charge sheet, nor were any of these witnesses (police officials and clerks from PC Branch Faridkot) cited in the final report submitted under Section 173 of the Cr.P.C.

3. Learned counsel has contended that it was in the aforementioned background that the petitioner had filed an application before the learned Trial Court seeking to summon these relevant witnesses, including police officials and clerks from the PC Branch, Faridkot, to produce documents related to complaint-application No.309-LPC dated 07.05.2018, application No.625-PC7/17 dated 25.07.2017, and application No.87-PC5/18 dated 02.04.2018. Despite the crucial nature of these documents, the learned Trial Court dismissed the petitioner's application by observing that it would lead to a denovo trial.



CRM-M-40083-2024

4. Learned counsel has contended that the witnesses being sought to be examined are local police officials, whose examination would neither cause any significant delay nor result in a denovo trial. It has still further been argued that without the examination of these witnesses and the inclusion of these vital records, the petitioner will suffer irreparable harm as the complete context and underlying motive behind the occurrence in question will remain obscured and will not be adequately presented before the learned Trial Court.

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

6. This Court does not find any illegality much less perversity in the impugned order dated 16.04.2024 (Annexure P-4) for the reasons to follow.

7. However, before proceeding further, it would be apposite to reproduce the FIR annexed as Annexure P-1:-

“Statement of Simranjit Singh son of Charanjit Singh caste Jatt resident of village Chand Baja aged about 30 years mb. No. 98773-00072. Stated that I am resident of above said address and I am agriculturist. My father are three brothers, elder is Sarabjit Singh, then late Hardeep Singh and youngest is my father. All the three brothers constructed their different houses at Mandwala turn. In the year 2013 my uncle Sarabjit Singh gave complaints against us and humiliated us. Thereafter, in the year 2017 my cousin brother Abhayjeet Singh Sher threatened my parents and our labourer. Thus, police proceeded against him under section 107/151 Cr.P.C. Thus, there was tussle between us and our litigation is pending. About 6 months back Balvir Singh maternal uncle of Abheyjeet Singh threatened me to murder me. Balbirsingh maternal uncle of Abhayjeet Singh got marked the complaint for inquiry and thus, I was summoned in the office of S.P. Head quarter Faridkot. Due to this, today I alongwith my wife Amandeep kaur and daughter Sehajpreet Kaur, who is aged about 2 years visited office of S.P. Head Quarter on



CRM-M-40083-2024

my Fortuner vehicle bearing No. PB-04-V-4060. Thereafter, we visited shop of commission agent i.e. Jagdish Trading company, which is situated at Thandi road. Abheyjeet, Sarabjit and Bohar Singh resident of village Chander were already present there, as they are having the same commission agent. On seeing them, I moved forward my vehicle and came thereafter, sometime. Then Abheyjeet singh who was armed with iron gandasi and Sarabjeet singh, who was armed with iron rod, were standing outside the commission agent shop. When I alongwith my wife and daughter tried to enter the shop, then they all three started abusing me and my wife and threatened me to murder me. Due to fear, we visited police station Kotwali Faridkot and gave complaint there. Thereafter, we were coming back towards our village on my vehicle. It was at about 02/02.30pm. when we reached at bridge of bypass and about 10/15 karams ahead of Reliance pump Chand Baja, Abheyjeet Singh son of Sarbajit Singh, Sarabjit Singh son of Jagir Singh, and Bohar singh son of unknown, resident of village Chandar, who used to accompany Abhayjeet Singh, were present there on vehicle No. PB-03AJ-4801 and face of their vehicle was towards Faridkot side. On seeing us, Abhayjeet Singh started his vehicle. I hurriedly turn my vehicle towards the passage of my house, then Abhayjeet Singh hit his vehicle to our vehicle with force with intention to murder us, due to which, my vehicle was hit on the left side and my wife and my daughter, who were sitting adjoining to driver seat received many injuries. In meantime, Abhayjeet Singh, Sarabjit Singh and Bohar Singh took out my wife and my daughter from the vehicle and Abhayjeet Singh gave rod blow, on the left shoulder of my wife. I ran away towards my house. While I was running Sarabjit Singh fired shot at my back with intention to murder me, but I fell down and shot passed over me. Because, many people gathered there, thus, they ran away from the spot by leaving their vehicle at spot. Then I contacted to Ambulance of Toll Plaza and got admitted my daughter and wife at Medical College, Faridkot, where my wife and daughter are under treatment. Motive is that due to our cases, they threated me to murder me. Today, they all with common intention made a conspiracy and hit their vehicle with my vehicle with intention to murder. Action be taken against them. Sd/- Simranjit Singh.”

8. As conceded by the learned counsel for the petitioner and

is also evident from a perusal of the FIR which has been reproduced

**CRM-M-40083-2024**

hereinabove, the case primarily rests on eye witness account of the injured parties. While the petitioner intends to introduce certain documents as part of the evidence of the prosecution to prove the motive, he has not convincingly demonstrated to this Court the relevance of these documents to the crime in question, which as already observed earlier is predominantly based on eye witness testimony. Once the eye witnesses, including the complainant and the injured have been cited as prosecution witnesses and even examined, the significance of proving the motive to the crime would pale into insignificance. Furthermore, a perusal of the impugned order reveals that the petitioner did not even annex the photocopies of the applications along with his application under Section 311 of the Cr.P.C., which he claims to have moved to the police, against the accused. It also needs to be pointed out that the FIR in question was lodged way back on 07.05.2018 and thereafter, the challan was presented on 18.08.2018. It is after a gap of six years that the petitioner for reasons very strange and best known to him chose to wake up from his slumber and move an application under Section 311 of the Cr.P.C., and that too when he had been completely examined and PW15 i.e. his wife Amandeep Kaur, who was allegedly inflicted injuries by the accused, had been examined in chief and only her cross examination was pending. This Court, therefore, concurs with the observations made by the learned Trial Court vide the impugned order that it would amount to a denovo trial. No doubt, an application under Section 311 of the Cr.P.C. can be moved at any stage, however, an application under Section 311 of the Cr.P.C. can be allowed only if



CRM-M-40083-2024

it advances the cause of justice. However, in the present case, it would not in any manner advance the cause of justice as both the material witnesses including the injured have been examined.

9. Accordingly, the instant petition is hereby dismissed.

10. 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.

20.08.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No