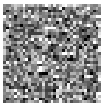


2024:PHHC:168384



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

CRM-M-43532-2024
Date of Decision: 05.09.2024

SUMESH SHARMA ALAIS SOMESH SHARMA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Petitioner in person (through hybrid mode)

Mr. Jaspal Singh Guru, AAG, Punjab

SANDEEP MOUDGIL, J

1. The jurisdiction of this court has been invoked under section 528 BNSS, 2023 to seek directions to the learned Additional Sessions Sangrur, to decide the Criminal Revision Petition being CRR-99/2023 titled as “Somesh Sharma Vs. State of Punjab”, (Annexure P-1), in a time bound manner, which is pending since 11.07.2023 against the order dated 14.06.2023, (Annexure P-13) passed by the learned Additional Chief Judicial Magistrate, Sangrur, in the case (No.CHI/296/2023) arising out of FIR No.79 dated 07.06.2011, (Annexure P-4), under Section 420/120-B IPC, 1860, registered at Police Station Bhawanigarh, District Sangrur.

2. It is contended by the petitioner, who is appearing in person through video conferencing, that the allegations in the FIR are false, frivolous and baseless as as per the allegations, the petitioner came to the house of

complainant and asked for Rs.4.70 lacs for sending his son abroad but after taking money neither the petitioner sent his son abroad nor returned the money and also the documents of complainant's son Gurpreet Singh. The present FIR was registered on the complaint of one Ravinder Singh, on the allurements given by Sanjeev Prabhakar for sending his son Gurpreet Singh abroad free of cost.

3. He further contends that he is the victim of malice and hostile investigation of the State because the petitioner has been falsely implicated in this case due to the influence and muscle power of Sanjeev Prabhakar in the State of Punjab. The petitioner has also moved a complaint, Annexure P-2, against Sanjeev Prabhakar and others before the Deputy Inspector General, Chandigarh Police, for offences u/s 420, 465, 467, 468, 471, 120-B of IPC read with Section 13(1)(D) and 13(2) of Prevention of Corruption Act, instead of taking action on the complaint of the petitioner, two FIRs have been got registered against the petitioner in a *mala fide* manner.

4. He vehemently argues that the present FIR has been registered at the Police Station Bhawanigarh, which is 120 Kms away from Chandigarh, whereas the complainant Ravinder Singh's son Gurpreet Singh had given a written official statement (Annexure P-3), before the Economic Offences Wing, Chandigarh, 4 months ago before registration of the present FIR that the entire transaction took place at Chandigarh and that the petitioner has already returned an amount of Rs.3.00 lacs back to him in Mohali office and he had also collected his documents from the office of Mr. Sanjeev Prabhakar situated within the jurisdiction of Chandigarh.

5. He strenuously argues that the FIR has been registered without taking into account the complaint of the petitioner and without taking note of

the fact that no cognizable offence is made out against the petitioner and that an amount of Rs.3.00 lacs stands already returned to the complainant's son, however, the complainant Ravinder Singh has made the complaint and got lodged FIR on the same very old facts because out of Rs.4.70 lacs, amount of Rs.3.00 lacs stands returned and balance amount being Rs.1.70 lacs, which was paid through cheque by way of cheque four months prior to the registration of FIR. It is further contended by the petitioner that in an enquiry conducted by the National Human Rights Commission at New Delhi as regards registration of fraudulent FIR, the State of Punjab has admitted, in its report dated 16.08.2012 that the complainant has received the total amount and all the documents, 4 months prior to the registration of FIR as such the investigation in the present case being conducted by the State is far from appropriate and required diligent considerations.

6. Notice of motion

7. On the asking of the Court, Mr. Jaspal Singh Guru, Assistant Advocate General, Punjab, accepts notice on behalf of the State of Punjab and submitted that there are specific allegations against the present petitioner and the petitioner is agitating the matter by filing petitions one after the other before different Hon'ble Courts/Forums without any cause and reason. The petitioner is claiming to be victim at the hands of Sanjeev Prabhakar but has not impleaded him as a necessary party to show his innocence or *bona fide* as such his claim is baseless.

8. Further, as far as the prayer of the petitioner that his revision petition may be ordered to be decided in a time bound manner is not just and proper in view of the fact that the law to take its own course and procedure,

established by law and the relevant Code. Thus, the present petition is liable to be dismissed.

9. Heard learned counsel for the respective parties at length.

10. After hearing the petitioner, in person, and on perusal of the case file, this Court does find any merit in the case in hand because the petitioner's claim is that he is victim at the hands of one Sanjeev Prabhakar, however, there are specific allegations in the present case being FIR No.79/11 against the petitioner itself.

11. Moreso, the petitioner's claim that he is victim at the hands of Sanjeev Prabhakar is misplaced because there is no reference by the name of Sanjeev Prabhakar. However, the prayer of the petitioner in this petition is that his revision petition pending before the learned Additional Sessions Judge, Sangrur, may be ordered to be decided in a time bound manner. Needless to mention here that the petitioner in his petition has clearly stated that his revision petition was admitted on 11.07.2023 with notice to State of Punjab to file their reply. However, he has not given the next date of hearing and also the purpose for which his revision petition is fixed for the said date and also that whether reply by the State has been filed or not as such the petition is incomplete as far as his prayer is concerned. The petitioner has also not placed on record the copies of zimni orders of the Revisional Court rather has attached copies of orders of the learned trial Court as Annexure P-11 & P-12 whereas his grouse is against the pendency of Revision Petition before the Additional Sessions Judge, Sangrur. Hence, this Court finds it difficult to accept the prayer of the petitioner on the basis of incomplete information in the present petition.

12. It is also to be taken into consideration that the High Court cannot issue directions to the District Judiciary for speedy disposal of cases in a routine manner, as frequent directions would not provide a practical solution and would further cause unnecessary pressure on the District Judiciary. The the trust on the Judicial System is hallmark and any form of favouritism, nepotism or otherwise even in the matter of hearing of cases selectively, will have larger repercussions on the system. No doubt certain cases are to be disposed of urgently, only if there is a public interest involved or the litigants can establish genuine urgency for early disposal of the cases.

13. Resultantly, the present petition fails and stands dismissed for having no merits.

14. Accordingly, ordered.

05.09.2024
Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

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