

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-5653-2024
Decided on: 05.02.2024

Sohan Sharma ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Narender Kaajla, Advocate
for the petitioner.

Mr. Vikram Pamboo, Sr. DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
27	18.12.2018	State Vigilance Bureau, Hisar (Now Anti Corruption Bureau)	7 of Prevention of Corruption Act 1988 (Sections 182, 193, 211, 420 IPC and Sections 7A, 8 & 12 of PC Act added later on)

1. Seeking quashing of the above captioned FIR, petitioner has come up before this Court by filing the present petition under Section 482 CrPC.
2. I have heard counsel for the petitioner and also gone through the petition to ascertain that whether the case is worth for issuing notice to respondent or not.
3. Petitioner’s counsel submits that petitioner-Sohan Sharma was complainant in the above captioned FIR and in 2016, one Head Constable Sant Lal who was posted as Jail Warden Hisar, came in contact with the petitioner. In 2018, said Sant Lal told the petitioner- Sohan Lal that he knows one Tehsildar who can get him five acres of land at Bir Hisar. After that HC Sant Lal introduced the petitioner with one Bhavnesh Kumar Tehsildar, Adampur, Hisar and he was shown five acres of land at Bir Farm, bypass, Bagla Road, Hisar and apparently, it was a forest land. Subsequently, they got documents of the land and handed over the same to Bhavnesh Kumar Tehsildar. After that the said Bhavnesh Kumar told the complainant-Sohan Sharma that it would cost him Rs.40 lacs for five acres of land and out of which, Rs.4 lacs per acre i.e. total Rs.20 lacs would go to the government treasury and remaining money would come to them as their efforts i.e.

bribe. On this, petitioner handed over Rs.15 lacs to Bhavnesh Kumar Tehsildar at a place near Sinchai Bhawan, Panchkula, which was counted by Bala Singh and handed over to Bhavnesh Kumar. Subsequently, petitioner, on the advice of HC Sant Lal transferred a sum of Rs.4 lacs from his account to the account of HC Sant Lal and later on again a sum of Rs. 6 lacs in the account of Fateh Singh father of HC Sant Lal. After taking this money they demanded Rs. 10 lacs more and then the petitioner realized that fraud is being played on him and accordingly he gave a complaint to State Vigilance Bureau, Hisar.

4. By making reference to para 3 of the petition, petitioner's counsel submits that during investigation, the police had recovered currency notes from possession of other accused. In para 4, the petitioner has extracted disclosure statement made by Bhuvneshwar Tehsildar to the police. In para 5 of the petition, petitioner has extracted disclosure statement made by accused Sant Lal Head Constable.

5. Petitioner submits that despite evidence, police did not arrest main conspirator and he remained roaming freely in the office of Director Vigilance Bureau and petitioner filed complaint dated 21.12.2018 in this regard. After that the petitioner submits that Bala Singh and Fateh Singh fabricated a case and based on such fabricated case, petitioner was called by the DGP Vigilance, Haryana, on 26.12.2018 and was inquired from 11am to 6pm, but he was set free as the allegations leveled by Bala Singh were not convincing.

6. In the nutshell, petitioner's grievance is that the investigator did not find substance in the complaint made by the petitioner and arrayed him as accused by adding Sections 182, 193, 211 & 420 IPC against the petitioner.

7. Petitioner's grievance is that police report under Section 173 CrPC containing more than 3000 pages, has been filed against him. Based on the grounds that he is complainant, petitioner seeks deletion of his name and quashing of FIR qua him for commission of offence punishable under Sections 182, 193, 211 & 420 IPC read with Sections 7A, 8 & 12 of PC Act against him. Action taken against the petitioner is a result of investigation which must be supervised by officer i.e. DSP or Superintendent of Police, further petitioner has not annexed the report under Section 173 CrPC so that this Court may go through the same. Even if, all the points argued by the petitioner are taken as gospel truth but none makes out a case for quashing of FIR or to disrupt criminal proceedings at this stage. If the investigation did not find truth in the story projected by the petitioner, then investigator is duty bound under Section 182 CrPC and 211 IPC to prosecute petitioner. In para 21 of the petition, it is mentioned that one FIR under

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Sections 406 & 420 IPC registered in Police Station Chandimandir, District Panchkula, is pending against the petitioner, which also points towards petitioner’s conduct.

8. Given above, the petitioner fails to make out a case for notice and the petition is dismissed with the aforesaid observations. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

05.02.2024
anju rani

Whether speaking/reasoned: Yes
Whether reportable: Yes