



206

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

CRM-M-46663-2019

Date of Decision:- 23.07.2024

MOHINDER PAUL BHAGAT AND ORS

....Petitioners

Vs.

STATE OF PUNJAB AND ORS

...Respondents

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Atul Arya, Advocate for the petitioners.
(Through V.C.)

Mr. Kewal Singh, Addl. A.G. Punjab.

AMARJOT BHATTI, J. (Oral)

1. Petitioners Mohinder Paul Bhagat, Saurav Seth, Vaneet Dhir and Raman Pabbi have filed petition under Section 482 Cr.P.C. for quashing of FIR No.213 dated 13.12.2017 registered at Police Station Basti Bawa Khel, Jalandhar under Sections 143, 149, 186, 505 IPC and all other proceedings in pursuance to the said FIR or any other order that this Court may deem fit in the facts and circumstances of the case.

2. Brief facts of the case are that ASI Mahinder Singh received call on 12.12.2017 at about 10 pm that a quarrel had taken place between Jagdish Ram Samrai of Congress Party and candidate of Bharatiya Janta Party ('BJP') along with his workers regarding elections of corporation.

He along with police party reached on the spot where both the parties were



having heated arguments. They were pacified. In the meantime, BJP candidate Ravi Mohindru along with her supporters Amit Taneja, Shital Angural, Pardeep Khullar, Resham Sharma, Mahinder Bhagat, Kamal Sharma, Ramat Pabbi, Ajay Jassi, Robin Sapla, Vaneet Dhir, Saurav Seth, Ashu, Mukesh Mohindru and 25/30 unknown persons staged *dharna* at Police Station in front of the main gate of Police Station and raised slogans, stopped police officers and employees from going inside the Police Station and created obstruction in performing their official duty, thus committed offence under Sections 143, 149, 186, 505 IPC and accordingly case was registered.

3. Learned counsel for petitioners argued that in the aforesaid FIR all petitioners were granted regular bail. Challan in this case has been presented and it is fixed for 22.11.2019. Copy of challan report is annexed as Annexure P-2. Present petitioners have no concern with the said incident. FIR has been registered due to political reasons. Members of Congress Party are not named in the FIR. There are vague allegations. There is no independent witnesses to the said incident. FIR has been recorded under political influence to harass the petitioners. Learned counsel for the petitioner further referred to the judgment of **Himachal Pradesh High Court** titled as *Anu Tuli Azta Vs. State of Himachal Pradesh 2021 (2) CrL CC 83* wherein it was held that holding peaceful processions, raising slogans would not be and cannot be an offence under India's Constitution and in that case FIR was quashed. Even in the case in hand no specific role is attributed to the present petitioners. FIR is politically motivated. Therefore, present FIR and subsequent proceedings thereon may be quashed in the interest of justice.



4. Petition is opposed by learned counsel representing the State. Status report is already on record. It is pointed out that FIR has been registered on the basis of the incident of holding dharna in front of the main gate of police station creating obstruction to the police officers and employee from getting inside the police station and obstructed them in performing their official duty. BJP Ravi Mohindru along with supporters are specifically named who held *dharna*. There is CD attached with the challan report regarding said incident. Challan is already presented. It is denied that FIR is politically motivated. Facts of the case will be decided during trial. Therefore, quashing petition preferred by petitioners may be declined.

5. I have considered the arguments and contents of FIR (Annexure P-1) which was registered on the statement of ASI Mahinder Singh. Contents of FIR indicate that firstly there was heated arguments between Congress Party candidate from Ward No.78, Jagdish Ram Samrai and BJP candidate. Police party pacified them. Regarding said incident no separate FIR was lodged. Present FIR has been registered regarding *dharna* organised by BJP Ravi Mohindru and his supporters by name, in front of gate of police station, thus obstructed police officers and staff from entering police station and performing their official duties and also raised slogans. On account of said *dharna*, FIR is lodged under Sections 143, 149, 186 and 505 IPC. Present petitioners are specifically named. It is mentioned in status report that along-with challan, one CD is also attached regarding the said occurrence. Therefore, considering aforesaid facts of the case, I do not find merits in the arguments advanced by learned counsel for the petitioners. Challan is already presented before the trial Court. After



procuring presence of all accused, trial Court will proceed with the trial. Case will be adjudicated on the basis of evidence on record. Therefore, at this stage, I do not find any valid reason to quash FIR No.213 dated 13.12.2017 under Sections 143, 149, 186 and 505 IPC and subsequent proceedings thereunder.

- 6. Petition is, accordingly, declined.
- 7. My observations are made for the disposal of present petition and it will have no bearings on merits of the case.
- 8. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

23.07.2024
snd

(AMARJOT BHATTI)
JUDGE

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