

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

142

CRM-M-61294-2023

Date of decision: 08.01.2024

Pardeep KumarPetitioner
Versus

State of Haryana and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rishu Garg, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner has invoked the inherent jurisdiction of this Court under Section 482 of the Cr.P.C. for quashing of charge sheet as well as order dated 20.11.2019 (Annexure P-3) in case FIR No.0345 dated 27.08.2017 (Annexure P-1) registered under Sections 121-A, 145, 150, 151, 152, 153, 120-B of the IPC registered at Police Station Panchkula Sector-5, District Panchkula and all consequential proceedings arising therefrom.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the instant case which is evident from the fact that there was no mention about the involvement of the petitioner at the time of registration of the FIR nor was there any suspicion raised much less by way of a whisper with respect to any role which he may have played in inciting people to indulge in rioting in the city of Panchkula following the conviction of the head of Dera Sacha Sauda, Sirsa (hereinafter referred to as 'Dera').

2A. It has been further submitted that the petitioner had been implicated in the instant case on the basis of a disclosure statement allegedly made by a co-accused, which to say the least has very weak

evidentiary value.

2B. It has been further submitted that the petitioner was neither an employee or even a follower of the Dera and still further he was not even present in Panchkula when the riots in question took place following the conviction of the head of the Dera. It has been asserted that in fact on the fateful day, the petitioner was present in the headquarters of the Dera on the request of an employee of the Dera due to shortage of volunteers and had stayed there till 18.08.2017.

2C. Learned counsel has further asserted that he is being unjustly targeted to shield one Pardeep Kumar, who is in fact the main perpetrator of the riots, however, since said Pardeep Kumar had political connections coupled with the fact that he was involved in multiple criminal cases, he has been made to go scot-free.

3. I have heard learned counsel and perused the relevant material on record.

4. No doubt, the petitioner was not named in the FIR annexed as Annexure P-1, which was registered at the instance of complainant Sanjeev Mahajan Patarkar Parbhari Dainik Bhaskar Tricity, Panchkula, pursuant to some riots which took place following the conviction of the head of the Dera, however, subsequently during investigation the name of the petitioner along with many others surfaced as being the conspirators of the crime in question. As per the material presented before the Trial Court along with challan, the petitioner allegedly was an active participant in the crime in question as he was a member of the committee which was constituted by the Dera to conspire and incite riots on the day when the verdict in the criminal case against the head

of the Dera was pronounced. As per allegations, the petitioner not only conspired with the co-accused but also instigated rioters under the guise of providing them with food.

5. While exercising its inherent jurisdiction under Section 482 of the Cr.P.C., no doubt extensive powers have been vested upon this Court, however, they have to be exercised judiciously and with a great deal of caution. Considering the advance stage of trial, ongoing prosecution evidence, as it is a matter of record that as many as 05 of the prosecution witnesses already stand examined, the veracity of the truthfulness or otherwise of the allegations levelled against the petitioner can only be tested during trial. While exercising its powers under Section 482 of the Cr.P.C., this Court cannot delve into the truthfulness of the allegations and at this stage only a prima facie evaluation of the allegations levelled can be done. The contentions raised by learned counsel require comprehensive evaluation which is beyond the jurisdiction of this Court while exercising its powers under Section 482 of the Cr.P.C. Hence, this Court would not be inclined to invoke its inherent jurisdiction under Section 482 of the Cr.P.C. to quash the FIR in question at this stage. The instant petition stands dismissed accordingly.

6. 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.

08.01.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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