

2024:PHHC:165877



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

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CRM M-58050 of 2024
Date of Decision: 05.12.2024

Satnam Singh and another		...Petitioners
	Versus	
State of Punjab and another		... Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Amandeep Singh Manaise, Advocate
for the petitioners.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioners have filed the present petition under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 with a prayer to quash the FIR No. 17 dated 07.06.2023 under Sections 323, 325 and 34 IPC (Sections 308, 379-B, 295 and 120-B IPC added later on) registered at Police Station Kabirpur, District Kapurthala (Annexure P-2), challan dated 13.11.2023 (Annexure P-6) and all subsequent proceedings arising therefrom.
2. The FIR in the present case was registered on the basis of the statement made by Bagicha Singh complainant and the same has been reproduced below:-

“Statement of Bagicha Singh son of Santokh Singh, resident of Village Mand Bandhu Jadid, PS Kabirpur, District Kapurthala aged about 55 years, Mobile No.95013-50386. Stated that I am a resident of the abovesaid address and do agricultural work. On 25.05.2023, I was going on my motorcycle for personal work from my village to Sultanpur Lodhi on my side of road. When I went ahead of Paltuna Bridge in the area of Lakhwaria, then at about 9:30 A.M., Satnam Singh son of Sukhwinder Singh came on his green colored Jeep being driven by Jagjit Singh son of Kashmir Singh, residents of Gharka, PS Chohla Sahib, District Tarn Taran. They came from behind and by coming parallel to me, Satnam Singh fired a shot from his pistol above my head and I fell from my motorcycle on the left side. While I was lying down Jagjit Singh gave a datar blow from reverse side which hit above my left leg and below my left leg. Then two unknown persons came on a motorcycle from behind, who were armed with hoe handle & datar. All of them gave me blows of datar and hoe handle on my left arm and caused internal injuries on my body. I am Amritdhari Sikh. My turban and Sri Sahib got removed and my hair got untied and I felt insulted. Thereafter, Mandeep Singh Sarpanch son of Jeet Singh, resident of Gharka, PS Chohla Sahib, District Tarn Taran came on the spot on his vehicle, upon which all of them fled away from the spot. Then Mandeep Singh Sarpanch took me to Civil Hospital, Sultanpur Lodhi where I am under treatment. On 29.05.2023, I orally stated that I do not want to get my statement recorded and today also I stated that I will give my statement after the X-ray and later I got my

statement recorded to you. The bone of contention is that I have a dispute of boundary/ watt with them due to this grudge they have caused me injuries and have tried to kill me. Legal action be taken against them and justice may be done. I have got my statement recorded to you, has been heard, is correct. Sd/- Bagicha Singh, Sd/- Gurpreet Singh son of Balkar Singh, resident of Gharka. Attested Sd/- Makhan Singh, ASI PS Kabirpur dated 07.06.2023”.

3. Learned counsel for the petitioners contends that as per the complainant, at about 09.30 a.m. on 25.05.2023, when Bagicha Singh complainant was going on a motorcycle, some unknown persons had attacked him, caused him injuries and took away his turban and Sri Sahib. In the meantime, Mandeep Singh Sarpanch came at the spot and took him to the hospital. Bagicha Singh complainant was medico legally examined on 25.05.2023 and three injuries are found on his person. On 29.05.2023, the complainant informed the police by stating that he had been attacked by some unknown persons. In the meantime, he conspired with Mandeep Singh, Sarpanch, who was also inimical towards the present petitioners. Consequently, the complainant concocted a false story and got a DDR (Annexure P-1) recorded at Police Station Kabirpur, District Kapurthala. Thereafter, on the basis of the statement (Annexure P-1), FIR No. 17 dated 07.06.2023 under Sections 323, 325 and 34 IPC (Sections 308, 379-B, 295 and 120-B IPC added later on), Police Station Kabirpur, District Kapurthala was ordered to be

registered against the petitioners. Learned counsel further contends that in the meantime, the video of the occurrence in the present case had gone viral, which proved that the petitioners were not present at the spot rather unknown persons had beaten up the complainant. Again the complainant changed his version and got recorded his supplementary statement vide GD No. 24 dated 26.06.2023. In the supplementary statement, the complainant alleged that he was beaten up by two unknown persons. Later on, again, the complainant made a supplementary statement on 04.07.2023 (Annexure P-4), just to falsely involve the petitioners. He further contends that Mandeep Singh, Sarpanch had produced viral video of the occurrence to the police and the same has been annexed herewith as annexure P-5. Ultimately, after completion of the investigation, challan has already been presented against the petitioners.

4. Learned counsel for the petitioners contends that the petitioners are innocent and have been falsely involved due to personal enmity. Mandeep Singh, Sarpanch, was inimical towards the petitioners and he got the FIR registered illegally by his influence. Learned counsel for the petitioners further contends that Mandeep Singh, Sarpanch, is a notorious person and is also involved in a murder case. Still further, on 25.05.2023, the petitioners had not come to Kapurthala and they were present in their house, which is apparent from the CCTV footage (Annexure P-11 and P-12). Learned counsel further contends that even Mandeep Singh, Sarpanch, had embezzled

huge amount from the Gram Panchayat fund and the FIR has been got registered by him, just to victimize the petitioners.

5. On the other hand, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioners on the ground that there are serious and specific allegations against the petitioners.

6. I have heard learned counsel for the parties and perused the record.

7. In the present case, the FIR was initially registered on the basis of the statement made by Bagicha Singh. From a perusal of the FIR, it is evident that both the petitioners have been named and specific roles have been assigned to both of them. As per the FIR, the petitioner No. 1 had come on a green colour jeep, which was driven by petitioner No. 2. Satnam Singh who fired a shot from his pistol, which had passed over the head of the complainant and he fell down from his motorcycle. Even, Jagjit Singh gave blows with datar from its reverse side, which hit the complainant on his left leg. The complainant was also beaten up by their accomplices. As per the admitted case of the petitioners, Bagicha Singh had also suffered three injuries in the present case and after finding sufficient evidence, the challan has also been presented against the petitioners. Still further, the only plea raised by the petitioners is with regard to *malafides* against the first informant of hatching of a conspiracy by the complainant with Mandeep Singh, Sarpanch, on account of political

enmity. However, at this stage, sufficient material has been collected by the police during the course of the investigation and the question of *malafides* of the informant is of secondary importance. Still further, the allegations of *malafides* against the informant and Mandeep Singh, Sarpanch are of no consequence and can never be the basis for quashing the criminal prosecution.

8. Still further, in the present case both the petitioners have been specifically named and it has been alleged that both of them had caused injuries to the complainant. Even, the complainant was medico legally examined and it is apparent that he had suffered injuries in the present case. Consequently, at this stage, no case is made out for interference and the petition is liable to be dismissed by this Court.

9. Dismissed.

05.12.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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