

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

CRA-S-210-SB of 2004

Date of decision : 22.04.2015

Bhim Sain

....Petitioner

V/s

State of Punjab & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Vivek Goyal, Advocate for the appellant.

Mr. Ankur Jain, AAG Punjab.

RAJAN GUPTA J.

In this appeal, appellant has impugned order passed by Additional Session Judge, Faridkot whereby application under section 340 Cr.P.C. has been dismissed.

Learned counsel for the appellant has assailed the order. According to him, same suffers from illegality. The court has not considered the issue in correct perspective.

I have heard learned counsel for the appellant.

Appellant moved an application under section 340 Cr.P.C. for taking action against respondent Sukhdev Singh under sections 192, 193, 209, 465, 466 & 468 IPC. He alleged that respondent no. 2 Sukhdev Singh was inimical towards him and got him involved in a false case under section 7 of the Essential Commodities Act. Pursuant to same, FIR No. 38 dated 01.07.1993 was registered at police station Jaitu and they were arrested. According to him, complaint was totally false. Additional Sessions Judge, Faridkot came to the conclusion that there was no document on record and there is no allegation of forgery against Sukhdev

Singh. Merely because witnesses have resiled from their statements, section 340 Cr.P.C. would not be attracted. As there was no allegation of forgery or fabrication of documents, court below rejected the application observing that no case was made out for making an inquiry under section 340 Cr.P.C. I find no infirmity with the order. No fresh plea has been raised which deserves consideration by this court. No merits. Dismissed.

April 24, 2015

Ajay

(RAJAN GUPTA)
JUDGE