

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

Date of decision : 12.05.2015

(i) CRM-M 15384 of 2015

Ram Suresh & ors.

....Petitioners

V/s

State of Punjab & anr.

....Respondents

(ii) CRM-M 15318 of 2015

Raj Kumar Jangra

....Petitioners

V/s

State of Punjab & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. K.B. Raheja, Advocate for the petitioners
(in both the petitions).

RAJAN GUPTA J.

Petitioners seek quashing of order passed by Sub Divisional Judicial Magistrate, Moonak whereby they have been summoned to face trial for offence under sections 465, 467, 468, 471, 120B IPC as also the order whereby revision petition preferred by the petitioners against said order has been dismissed.

Learned counsel for the petitioners has assailed the order on the ground that petitioners have been summoned to face trial for the same offences for which they are being already tried. Thus, complaint and subsequent proceedings need to be quashed. He has relied upon judgments reported as *Gullampudi Veera Nagamani vs. State of A.P. & anr. 2015(2) AICLR 260* & *Ramesh*

Kumar & anr. vs. Darshan Singh Aulakh 1996(2) CLJ (Criminal) 342

in this regard.

I have heard learned counsel for the petitioners.

Instant complaint was preferred by complainant Ram Mehar alleging that accused Ram Suresh in connivance with co-accused had forged affidavit by appending fake signatures of complainant and submitted it to the electricity department for transfer of a tubewell. At the time of attestation, accused Ram Suresh impersonated as Ram Mehar (complainant herein). In support of his contention, complainant examined five witnesses. Trial court after considering the preliminary evidence and report received from the police under section 202 Cr.P.C. came to the conclusion that petitioners were required to be summoned to face trial. Petitioners preferred revision petition against the order before the Additional Sessions Judge, Sangrur but remained unsuccessful. Plea of the petitioners is that they cannot be tried again for the same offences. This plea deserves to be rejected at this stage as impugned order amounts to mere issuance of process by the court on the basis of preliminary evidence. Petitioners earlier preferred complaint no. 69 of 2010. In said case, petitioner no. 1 was summoned to face trial while complaint was dismissed qua petitioners no. 2 & 3. At the stage of pre-charge evidence, complainant moved application under section 319 Cr.P.C. for summoning additional accused. Said application was allowed qua petitioner no. 2 namely Ram Mahesh. Thus, petitioners no. 1 & 2 are already facing trial in said case. In the instant case (complaint no. 54 of 06.08.2011), four accused have been summoned to face

trial including the Notary Public who attested the affidavit on identification of a Lambardar. It has been alleged that Notary Public was informed that in place of Ram Mehar, some other person was signing the affidavit but he did not bother. All the four persons (petitioners herein) and Raj Kumar Jangra, Notary Public (petitioner in *CRM M-15318 of 2015*), thus, conspired in committing forgery and appending fake signatures of complainant Ram Mehar. In complaint no. 69 of 07.12.2010, accused were summoned to face trial under section 420 IPC as well. In complaint no. 54 of allegations primarily relate to forgery. However, this court does not intend to express any opinion on the merits of the case at this stage as the trial court has only issued process to summon the petitioners. Needless to observe that petitioners would be at liberty to raise all their pleas including the judgments relied upon before the trial court at the appropriate stage. There is, thus, no ground to interfere. Dismissed.

May 12, 2015

Ajay

(RAJAN GUPTA)
JUDGE