

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

**Crl. Misc. No. M-26958 of 2013 (O&M)
Date of decision : 25.02.2015**

Amrit Pal Singh

...Petitioner

versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

Present: Mr. H.P.S. Ghuman, Advocate,
for the petitioner.

Mr. Mikhail Kad, AAG, Punjab.

Mr. P.K. Gupta, Advocate,
for respondent Nos.2 to 4.

RITU BAHRI, J.

This petition under Section 482 Cr.P.C., is for quashing of the order dated 29.07.2013 (Annexure P-16) passed by the Additional Chief Judicial Magistrate, Fatehgarh Sahib, whereby application filed by the petitioner under Section 311 Cr.P.C., has been dismissed.

The FIR was registered on the basis of complaint made by Amrit Pal Singh-petitioner, alleging that the accused had forcibly got executed a sale deed from his brother in favour of one Avtar Singh. Said Avtar Singh is near relative of Sarabjit Singh and the sale deed was witnessed by Manjit Singh. Sarabjit Singh and Manjit Singh are running their property dealer

shop under the name and style 'Hargobind Property Dealers'. During trial on 17.12.2010, statement of PW Gurmail Singh (Annexure P-9) was recorded in the Court. However, on 23.12.2010 said Gurmail Singh filed an affidavit (Annexure P-10) in the Court stating that the aforesaid statement had been got recorded by accused persons namely Sarabjit Singh and Manjit Singh under pressure and by coercive manner. Thereafter, the petitioner filed an application (Annexure P-11) for recalling PW Gurmail Singh for his cross-examination, which was dismissed by the trial Court vide order dated 20.01.2012 (Annexure P-13). Against the said order, the petitioner filed CRM-M-9181 of 2012 before this Court, which was dismissed on 07.08.2014. The petitioner filed another application under Section 311 Cr.P.C. (Annexure P-15) for summoning of Manpreet Singh Sahi, Advocate, Gamdoor Singh, Ex-Sarpanch and Ranjit Singh alias Bagga, which was dismissed vide order dated 29.07.2013 (Annexure P-16). Hence, the present petition.

The names of Manpreet Singh Sahi, Advocate, Gamdoor Singh and Ranjit Singh were not mentioned in the list of witnesses when the challan was presented before the Court. The FIR pertains to the year 2006 and the present application for summoning the above said witnesses has been filed at a very belated stage. While dismissing the application vide order dated 29.07.2013 (Annexure P-16), it has been so noticed by the trial Court that after presentation of challan, charges were framed on 13.03.2007 and there was no record to the effect that statements of these witnesses had been recorded under Section 161 Cr.P.C. Moreover, the application had been filed when eight prosecution witnesses had been examined.

After going through the facts and circumstances of this case, this

Court is of the opinion that since the names of aforesaid witnesses did not find mention in the list of witnesses at the time of filing of the challan and the application has been made at a very belated stage without giving any reason and purpose of summoning these witnesses, it can be safely concluded that this application has been filed just to delay the proceedings of the trial. Therefore, there is no merit in this petition.

Dismissed.

(RITU BAHRI)
JUDGE

25.02.2015
ajp