

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M 5054 of 2012****Date of decision : 27.04.2015**

Dwarka Dass & anr.

....Petitioners

V/s

State of Punjab

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Vikram Chaudhari, Sr. Advocate with
Mr. Mohit Rampal, Advocate for the petitioners.

Ms. Rajni Gupta, Addl. A.G. Punjab.

RAJAN GUPTA J.

Petitioners have impugned order passed by Chief Judicial Magistrate, Moga whereby petitioners have been summoned as additional accused to face trial for offences under sections 468, 471, 420 & 120-B IPC. Challenge is also to order passed by Additional Sessions Judge, Moga dismissing the revision petition preferred by the petitioners against the impugned order.

Mr. Chaudhary, vehemently contended that both the orders are unsustainable. Petitioners had been summoned under section 319 Cr.P.C. after a lapse of almost 18 years of alleged occurrence. Statements of PW's do not make out any case against the petitioners. Thus, the orders need to be set-aside.

Plea has been vehemently opposed by learned State counsel.

I have heard learned counsel for the parties.

FIR in question was registered on the basis of a complaint lodged by SDM, Moga. He stated that during verification it had been found that challan forms for registration of new vehicles

had not been stamped by the bank. Same bore fake scroll numbers. On verification from treasury office, it was found that challans were fake. Two accused namely Parshotam Lal and Kulpinder Singh worked as agents for this purpose and they had cheated the government by not paying the requisite fee. He further stated that certain documents were also forged. On the basis of this complaint, FIR was registered and investigation ensued. After challan was put up by the investigating agency, case remained pending for considerable period. During trial, PW2 Mohan Singh, PW3 Baldev Singh, PW4 Lal Singh, PW6 Kulwant Singh deposed before the court. Mohan Singh stated that he had purchased new vehicle from Pankaj Motors Moga. At that time, he had paid ₹700/- to the owners of Pankaj Motors namely Bal Krishan Bali and Dwarka Dass for getting the vehicle registered. After some days, he received the RC bearing number PB-29-6868 from said persons. He also stated that he later came to know that aforesaid persons had forged seals and form no. 32-A. Thereafter, he officially deposited the amount for getting the vehicle registered. He alleged that petitioners had cheated him as they had not deposited the amount given by him in government treasury. Similar statement was made by PW3 Baldev Singh. PW6 also deposed that he had purchased a vehicle and made full payment including registration charges to Pankaj Motors owned by Dwarka Dass and he was given a fake registration certificate. PW4 Lal Singh also deposed on similar lines. On the basis of statements of these witnesses, trial court felt that petitioners need to be summoned as additional accused for facing trial for commission of offences under sections 468, 471, 420 &

challenged before the Additional Sessions Judge, Moga. I find no infirmity with the orders. It is evident that trial court has summoned the accused on the basis of available evidence on record. There is nothing to show that order passed by trial court is not within the parameters laid-down under section 319 Cr.P.C. It appears that this case was adjourned from time to time to await the decision by the Hon'ble Supreme court in *Criminal Appeal No. 1750 of 2008* titled as *Hardeep Singh vs. State of Punjab & ors.* annexed as, Annexure P14 to the petition. Admittedly, judgment in said case has been rendered and is reported as *2014(1) RCR (Crl.) 623(SC)*. One of the question involved in the instant case was whether application under section 319 Cr.P.C. was not maintainable unless cross-examination of the witness was complete. This question has been answered against the petitioners. Learned counsel for the petitioners was unable to show that impugned orders are not in consonance with guidelines laid-down in the said judgment. I, thus, find no ground to interfere. Dismissed.

April 27, 2015

Ajay

(RAJAN GUPTA)
JUDGE