

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-5240 of 2015

Date of decision:29.07.2015

Surat Singh

.... Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Manoj Kumar, Advocate for Mr. Namit Khurana,
Advocate for the petitioner.

Mr. Pawan Gaur, DAG, Haryana.

Mr. Rajbir Singh, Advocate for the complainant.

Navita Singh, J. (Oral)

The dispute here is between the petitioner and respondent No.2 as the petitioner was summoned as an accused on a complaint filed by respondent No.2. Since charges have not yet been drawn up, the State has no role to play.

The petitioner, i.e. Surat Singh filed the present petition for quashing the complaint filed against him and three other persons by respondent – Tilak Raj and also quashing the summoning order dated 19.11.2014 and the order dated 5.1.2015, together with all the proceedings arising out of the said complaint.

The allegations in the complaint at one place were that under the guidance of accused No.1, the other three accused (including the petitioner) moved an application to the Block Development and Panchayat Officer, Jagadhari regarding unauthorised possession over certain land in the Abadi Deh of Village Mehlanwali Tehsil Jagadhari District Yamuna Nagar, while in the following para, the allegations were that accused No.1

under the signatures of the other accused as also the signatures of the complainant and many persons named in the complaint had moved the application. The complainant had not put his signatures on the application, and, therefore, those were forged.

Counsel for the petitioner argued that the trial Court simply after seeing the evidence of the complainant which was by way of his own statement and the statements of one Ved Parkash and Madan Lal who were also alleged signatories to the application, issued summons to the petitioner for facing trial.

However, there was nothing before the Court to show that the signatures were forged by the petitioner though the allegations were that the application was moved by accused No.1 or at least under his guidance. The culprit, if any, therefore, would be accused No.1 i.e. Sardar Singh who was Sarpanch at the relevant time.

Counsel for the respondent, however, argued that the trial Court rightly issued the process because besides the complainant, the other persons, i.e. Ved Parkash and Madan Lal who had allegedly signed the application, appeared in the witness box and stated that the application Ex.C1 did not bear their signatures also.

Even if the allegations of the complainant are taken on face value, it would simply show that the signatures of the complainant were not genuine on the application and that he had not signed the document. This would, by no stretch of imagination, prima-facie show that the signatures were forged by the present petitioner. It was rightly argued by the counsel for the petitioner that if the application was moved by the Sarpanch or was

filed under his guidance, then it would be he, i.e. Sardar Singh Sarpanch who committed the offence of forgery, if, at all.

Even the original document was not summoned by the complainant from the Office of BDPO, Jagadhari so that the signatures could even be compared from the original document by the Court at least.

Therefore, from the material on record, there was no reason for the trial Court to come to the conclusion that there was ground for proceeding against the petitioner for the offences punishable under Sections 417 and 465 read with Section 120-B IPC, There was no evidence regarding conspiracy nor regarding the other offences attributable to the petitioner.

Petition is, therefore, allowed and it is held that the complaint and all the proceedings regarding thereto are quashed only regarding the present petitioner. So far as the other accused are concerned, this order will have no bearing on the proceedings relating to them.

29.07.2015
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(NAVITA SINGH)
JUDGE