

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-18057 of 2015 (O&M)
Date of Decision: February 18, 2016

Surender Sangwan

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Keshav Pratap Singh, Advocate
for the petitioner.

Mr.Himmat Singh, Deputy Advocate General, Haryana
for the respondent-State.

Mr.Babbar Khan, Advocate
for the complainant.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing the order dated 16.10.2014 passed by learned Judicial Magistrate Ist Class, Charkhi Dadri, whereby the petitioner has been ordered to be summoned in case FIR No.245 dated 11.09.2009 and the order dated 27.01.2015 passed by learned Addl. Sessions Judge, Bhiwani, dismissing the revision petition filed by the petitioner against the order dated 16.10.2014.

Notice of motion was issued in this case and learned State counsel as well as learned counsel for the complainant appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that challan has been presented against 14 persons in case FIR No.245 dated 11.09.2009 under Sections 420, 468 and 471 IPC registered at Police Station Sadar Dadri, District Bhiwani. During the trial, an application under Section 319 Cr.P.C. was filed for summoning of present petitioner as additional accused. It is stated in the application that Advocate Surender Sangwan is husband of accused Manjit Kaur (Ex-Sarpanch), who with the intention to misappropriate old aged and handicapped person's pension, in collusion with his wife and secretary, obtained forged and bogus thumb impression in the name of 13 persons, who had already died. PW-2 Suresh Kumar, PW-3 Ramavtar and PW-4 Vinod have specifically stated in their cross-examination that Surender Sangwan husband of Ex-Sarpanch had obtained the false thumb impressions and signatures in the name of 13 deceased persons and also got tendered false affidavits on their behalf. These witnesses also deposed on oath before the Court that Advocate Surender Sangwan is also a culprit in the commission of alleged offence but the police intentionally did not challan him.

Learned JMJC, Charkhi Dadri, after discussing the evidence on record and also after hearing the arguments, accepted the application. The Court specifically held that Surender Sangwan has actively participated in committing alleged offence as per the statements of PW-2, PW-3 and PW-4 and summoned him under

Section 319 Cr.P.C. vide order dated 16.10.2014. A revision was filed in the Sessions Court against the order dated 16.10.2014 and learned Addl. Sessions Judge, Bhiwani, after discussing the evidence, dismissed the revision petition vide order dated 27.01.2015. Aggrieved from the above-said orders, present petition has been filed.

The perusal of the orders passed by the Courts below show that in no way, these can be held as perverse i.e. against the evidence or against the law. The orders passed by the Courts below are as per evidence and law. Nothing has been pointed out as to how these orders amount to miscarriage of justice. Under Section 319 Cr.P.C., a person can be summoned if it appears from the evidence that the person proposed to be summoned is involved in the commission of the offence and he should be tried along with other accused who were already challaned. The revisional Court also after discussing the evidence of PW-2 Suresh, PW-3 Ramavtar and PW-4 Vinod came to the conclusion that it appears from the evidence that the petitioner has committed the offence and can be summoned to be tried along with co-accused. Only on the ground that name of the petitioner has not been mentioned in the complaint or in the FIR, itself is no ground to dismiss the application. PW-2 Suresh, PW-3 Ramavtar and PW-4 Vinod have stated in their cross-examinations that the revisionist (present petitioner) had got appended false thumb impressions and got forged affidavits.

In view of the above discussion, I find that orders passed by the Courts below are correct, as per law and do not require any

interference from this Court.

Therefore, finding no merit in the present petition, the same is dismissed.

February 18, 2016
Vgulati

(INDERJIT SINGH)
JUDGE