

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

**CRM No.1568 of 2016 in/and
CRM-M No.19400 of 2014 (O&M)**

Date of decision: 18th January, 2016

Sadhu Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. J.S. Rattu, Advocate
for the petitioners.

Mr. J.S. Brar, Asstt. Advocate General, Punjab.

FATEH DEEP SINGH, J.

A case bearing FIR No.142 dated 17.06.2011 under Sections 420/465/468/471 IPC was registered with Police Station Dera Bassi, District SAS Nagar (Mohali) (Annexure P1) against petitioners Sadhu Singh, Ajmer Singh and Amrik Singh. The brief allegations which led to registration of the FIR are that in the complaint of Bipandeep Kaur Sarpanch, Gram Panchayat Saidpura, Block Dera Bassi, Mohali she alleged that land bearing Khasra No.77//29 along with Gair Mumkin rasta, Vaka No.303 situated in village Saidpura had been got transferred by the petitioners in their name vide registered

sale deed No.1106 dated 18.09.1986 which land in fact was owned and possessed by the Gram Panchayat. After appropriate revenue enquiries, finding the land to be in illegal possession of the petitioners by virtue of this fraudulent transaction, SDM, Dera Bassi recommended registration of the FIR in question. Upon investigations and submission of challan, the trial Court finding prima-facie case, vide orders dated 13.10.2014 framed charges against the accused. It is worthwhile to refer here that even the competent Court of District Development and Panchayat Officer-cum-Collector (Panchayat Lands) had admitted the fact of this criminal act of the petitioners.

The contentions of learned counsel for the petitioners that the petitioners are senior citizens and that they have given up possession of the land to the Gram Panchayat and therefore, the FIR needs to be quashed, has been well controverted on behalf of the State by Mr. J.S. Brar, Assistant Advocate General, Punjab.

Going through these submissions, it is well established on the record that the land in question is owned by the Gram Panchayat, thus, a public land, and by their acts of executing a sale deed fraudulently, the petitioners have certainly committed a grave offence of not only cheating but fabricating and creating false records with an ulterior motive of gain besides illegally encroaching upon public land by taking its possession forcibly and illegally.

It needs to be reverted here that under the provisions of Section 482 Cr.P.C., Courts are not supposed to circumspect the

evidence and to appreciate the same and it is only in exceptional cases where the ends of justice demand the Courts need to intervene. The trial Court had framed charges against the accused/petitioners finding prima-facie case against them thus, leaves no scope to show that even the trial Court has prima-facie found truth in the allegations and in view of the fact that a public servant in discharge of his official duties has registered the FIR to save public property from being grabbed by anti-social elements illegally and contrary to the rule of law, and thus such offences to the mind of this Court should not be allowed to be either compounded being offences against the State and that too, where the trial is underway. Moreover, in the light of ratio laid down by the Hon'ble Supreme Court of India in '**State of Delhi v. Gyan Devi**' reported in **2000(4) RCR (Criminal) 517**, after framing of the charges petition for quashing should not be entertained except in exceptional cases.

Thus, in view of totality of what has been detailed and discussed above, no case to intervene is made out and the present petition being without any merits stands dismissed.

(FATEH DEEP SINGH)
JUDGE

January 18, 2016

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