

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

CRM No.M-21819 of 2014 (O&M)

Date of Decision: August 23, 2016

Sukhwinder Singh

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Daman Jeet, Advocate
for the petitioner.

Mr.D.S.Virk, Asstt. Advocate General, Punjab
for the respondent-State.

Mr.G.S.Bal, Senior Advocate with
Mr.Sewa Singh, Advocate
for respondent No.2.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against respondents State of Punjab and Gurdev Singh for setting aside the order dated 28.05.2014 passed by learned Sub Divisional Judicial Magistrate, Dhuri, vide which the application filed by the petitioner for release of combine on sapurdari, was dismissed and judgment dated 28.06.2014 passed by learned Addl. Sessions Judge, Sangrur, vide which the revision petition filed by the petitioner was dismissed.

Notice of motion was issued and learned State counsel as well as learned counsel for respondent No.2 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 the application filed by the petitioner for releasing the combine on sapurdari was dismissed by learned SDJM, Dhuri, whereas the application filed by Gurdev Singh was allowed vide impugned order dated 28.05.2014. The perusal of the record shows that Sukhwinder Singh applied for release of combine on sapurdari which was taken into police possession during the investigation. As per the present petitioner, the accused agreed to deliver new combine to him for ₹13 lacs and it was further agreed that the accused would take old combine of the complainant-petitioner and ₹7 lacs from him as sale consideration of the new combine. Further, it is the case of the petitioner that he has delivered the old combine to the accused and also paid ₹3 lacs to him and FIR was got lodged against the accused.

Learned SDJM, Dhuri, while discussing the facts of the case, found no merit in the application filed by Sukhwinder Singh petitioner.

Admittedly, the new combine was recovered from the accused, who was manufacturing the combine and at that time Gurdev Singh respondent No.2 was found getting prepared the new combine. The accused has also got recorded his statement to the effect that recovered combine belongs to Gurdev Singh. There is no document on the record to show that petitioner Sukhwinder Singh is the owner of that recovered combine. Rather, the newly assembled combine was recovered from the accused.

From the record, I find that even if it is taken that an agreement was there between the accused and the present petitioner for delivering new

on the basis of that agreement in the criminal proceedings. The Magistrate has rightly accepted the application filed by Gurdev Singh. The impugned order passed by learned SDJM, Dhuri is correct and as per law. The revision petition filed by the petitioner against the above-said order, was also dismissed by learned Addl. Sessions Judge, Sangrur, vide judgment dated 28.06.2014.

In view of the above discussion, I find that no illegality has been committed by the Courts below while passing the impugned order and judgments. The order and judgment 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.

August 23, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No