

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

CRM No.M-7144 of 2010 (O&M)
Date of Decision: November 15, 2016

Ajit Pal Singh

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Rajiv Kataria, Advocate
for the petitioners.

Ms.Shivali, Asstt. Advocate General, Punjab
for the respondent-State.

Mr.Rohit Ahuja, 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 Taran Kumar, for quashing of FIR No.402 dated 18.10.2008 under Sections 419, 420, 468, 471 and 120-B IPC, registered at Police Station Phase I, Mohali and all subsequent proceedings arising out of the same.

Notice of motion was issued and learned State counsel as well as learned counsel for respondent No.2 appeared and contested the petition.

At the time of arguments, learned counsel for the petitioner only argued on one fact that the allegation, as per the FIR, against the

present petitioner is that Anil Kakria and his two associates namely Param

Veer Bhalla and Ajit Pal Singh, present petitioner, also property dealer, introduced Jeevan Parkash Khanna to Teja Singh and Jaipal Singh at the residence of Anil Kakria. The present petitioner has not signed as witness on any document. Even if it is taken that on bank account of Jaipal Singh, present petitioner is the introducer, even then learned counsel for the petitioner, argued that no offence is made out.

On the other hand, learned State counsel as well as learned counsel for respondent No.2 argued that the present petitioner is property dealer and he also conspired with Jeevan Parkash Khanna, Teja Singh and Jaipal Singh and has cheated the complainant's company of a huge amount. Even, as per the investigation, they have distributed the amount among themselves.

After hearing learned counsel for the parties as well as learned State counsel and after going through the record, I find that, in the present case, challan has already been presented and copy of challan has been placed on the record. The perusal of the FIR as well as the report under Section 173 Cr.P.C. shows that allegations of connivance/conspiracy are also levelled against present petitioner. The petitioner is stated to be property dealer and he was present along with Anil Kakria and Paramveer Bhalla in the house of Teja Singh. In the present case, the voter identity card of Teja Singh was found forged. The present petitioner even introduced the account of Jaipal Singh in which money has been deposited. The real name of Teja Singh is Bahadur Singh and as per investigation by the police. The cheque issued by the complainant company has been encashed and credited to the account of Jaipal Singh. The investigation

another and made complainant company to part with a big amount having no intention to full their promises and assurances and knowing fully well that they were making fraudulent misrepresentations to cheat the complainant company. The jamabandi of the said land, which Teja Singh agreed to sell, was forged and fabricated document.

It is settled law that conspiracy is to be inferred from the facts and circumstances of the case. At this stage, there is nothing on the record from where it can be held that registration of the FIR against the present petitioner is abuse of process of law or amounts to miscarriage of justice. The present petitioner has actively taken part in the dealing being property dealer and also associate of Anil Kakria, who introduced other co-accused Jeevan Parkash Khanna representative of the company to enter into agreement to sell with Teja Singh and Jaipal Singh, who have given forged documents i.e. jamabandi, voter card etc.

In view of the above discussion, I find that FIR is not liable to be quashed.

Therefore, finding no merit in the present petition, the same is dismissed. However, nothing stated above, will constitute my opinion on the merits of the case.

November 15, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No