

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

(118)

CRM-M-44031-2016

Decided on: December 09, 2016.

Karnail Singh

.... Petitioner

Versus

Jugraj Singh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Inderjeet Singh Chawla, Advocate, for the petitioner.

M.M.S. BEDI, J (ORAL)

The petitioner has been summoned as an additional accused in a case registered on the basis of the allegations that the main accused had purchased the property on the basis of a sale deed executed by impersonator. So far as the petitioner is concerned, he allegedly witnessed the sale deed as second witness whereas the vendors were identified by Lambardar Roshan Lal.

Learned counsel for the petitioner submits that the petitioner had been found innocent and the summoning order is illegal.

The revision petition filed by the petitioner before the Sessions Court, has been dismissed.

Following the ratio of the judgment in **Hardeep Singh Vs. State of Punjab, 2014 (1) RCR (Criminal) 623**, learned counsel for the petitioner has vehemently contended that as a matter of fact the petitioner had allegedly identified the alleged impersonator on the basis of the identity proof which was considered by the petitioner to be genuine.

After hearing learned counsel for the petitioner, I am of the opinion that the petitioner may have a good defence to establish that he did not have any intention to identify a wrong person and he acted bona fide but in view of the evidence brought on the record regarding the petitioner being a second witness to a sale deed executed by impersonator vendor, his culpability and his bona fide in identification cannot be appreciated.

I do not find any ground to interfere in the order passed by the trial Court summoning the petitioner as an additional accused.

While disposing of this petition, it is observed that any observation made by the trial Court while passing order in application under Section 319 Cr.P.C and the order passed by the revisional Court or this Court will not prejudice the right of the petitioner in any manner and it will always be open to the petitioner to impeach the credibility of prosecution witnesses and produce his defence regarding his bona fide and grounds on the basis of which he had identified the alleged impersonator.

(M.M.S. BEDI)
JUDGE

December 09, 2016

harsha

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No