

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-7368 of 2016 (O&M)
Date of Decision: March 02, 2016

Hardip Singh

...Petitioner

VERSUS

State of Punjab and others

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.G.S.Sirphikhi, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of the order dated 05.08.2015 passed by learned trial Court dismissing the application under Section 319 Cr.P.C. for summoning of respondents No.2 and 3 as an additional accused in case FIR No.258 dated 16.08.2005 under Sections 420, 467, 468 and 471 IPC registered at Police Station City Batala District Gurdaspur and the order dated 07.01.2016 passed by learned Addl. Sessions Judge, Gurdaspur, whereby the revision filed by the petitioner was dismissed.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that an application under Section 319 Cr.P.C. was filed for summoning Harjinder Singh and Charanjit

Singh as an additional accused before learned Judicial Magistrate Ist Class, Batala. It is stated in the application that PW-1 Hardeep Singh has given statement that Harjinder Singh and Charanjit Singh have conspired with other accused and hatched a criminal conspiracy with each other to cheat him. He has also named these persons in application before SSP, Batala. There is sufficient evidence against the proposed accused to connect them with the commission of offence.

Learned JMIC, Batala, after going through the evidence on record, held that the case has been registered on the application of PW-1 Hardeep Singh, complainant alleging that Gurbachan Singh and his wife Bachan Kaur had exchanged the land with Jagdish Singh and the mutation with regard to the same has been sanctioned. The land received by Jagdish Singh had been sold by him to complainant. Gurbachan Singh and Bachan Kaur, out of the land taken in exchange, had sold some land to Jaspinder Singh, Rajwinder Singh and Ibqal Singh vide separate sale deeds. But after the sale of land, Gurbachan Singh and Bachan Kaur filed the appeal challenging mutation and Commissioner, Jalandhar had stayed the proceedings of mutation. It is also stated that Kartar Singh son of the accused Gurbachan Singh through his father and mother Bachan Kaur had agreed to sell his another land to Nirmal Singh, brother of the complainant. In 2005, all the accused in connivance with Ravinder Pal Singh, the land which was given to Jagdish Singh in exchange and which Jagdish Singh had already sold to complainant, after preparing

wrong jamabandi from different sale deeds, sold that land to Harjinder Singh and Charanjit Singh.

Learned Magistrate after discussing the statement of PW-1 Hardeep Singh held that allegations are that Harjinder Singh and Charanjit Singh have connived with the accused already facing trial but there is nothing as to how they have connived and what was their role nor any evidence has been adduced on that point and the application was dismissed by learned JMJC, Batala. A revision was filed before the Sessions Court and learned Addl. Sessions Judge, Gurdaspur, dismissed the revision petition vide order 07.01.2016.

Aggrieved from the above-said orders, present petition has been filed.

I have gone through the orders passed by the Courts below. The findings given by learned Courts below that there is no evidence on record to connect Harjinder Singh and Charanjit Singh with the main accused are correct and have been given while appreciating the evidence in right perspective. Otherwise also, as per allegations, Harjinder Singh and Charanjit Singh are the vendees and have purchased the land. As per the allegations, the vendor was not the owner of that property as he has forged some revenue record. Rather, from the averments, Harjinder Singh and Charanjit Singh have been cheated. The sale deeds in their favour may be set aside by the Civil Court and they will lose their sale consideration. There is nothing in the evidence or on the record that Harjinder Singh and Charanjit Singh were closely related with Ravinder Pal Singh or they have not

paid sale consideration. There is nothing on the record to show their connivance or conspiracy in the commission of offence.

From the above discussion, I find that in no way the orders passed by the Courts below can be held as perverse or illegal. In no way, the impugned orders can be held as against the law or passing of these orders amount to miscarriage of justice. The impugned 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.

March 02, 2016
Vgulati

(INDERJIT SINGH)
JUDGE