

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

**CRM No. M-783 of 2016  
DECIDED ON: AUGUST 04, 2016**

**KAKA SINGH**

**.....PETITIONER**

**VERSUS**

**RAM SARUP AND ANOTHER**

**.....RESPONDENTS**

**CORAM : HON'BLE MR. JUSTICE JASPAL SINGH**

Present : Mr. Jimmy Singla, Advocate  
for the petitioner.

**JASPAL SINGH, J.**

Instant petition has been preferred by Sunil Kumar under Section 482 of the Code of Criminal Procedure (for short 'Code'), petitioner has sought the quashing order dated 19.09.2014 passed by Judicial Magistrate Ist Class, Patiala and order dated 20.08.2015 passed by Additional Sessions Judge, Patiala vide which complaint filed by the petitioner has been dismissed.

Brief facts of the case are that complainant son of Jeet Ram has filed a complaint against Ram Sarup and Chamela Singh on the allegation that Ram Sarup had obtained a decree against Jeet Ram on the basis of forged and fabricated documents. During the compromise, complainant gave the details of his dispute with accused Ram Sarup. In fact, accused Ram Sarup agreed that he had advanced a loan to the tune of ₹30,000/- in favour of Subia. He approached

Ram Sarup for further loan. He brought Jeet Ram to stand as a surety for the same. Ram Sarup gave ₹30,000/- to Jeet Ram and ₹20,000/- to Subia. Jeet Ram stood as a witness to the said document. The Panchayat recorded the admission made by the accused Ram Sarup and his statement was recorded over a mobile. The Panchayat observed that the complainant has suffered injustice, as the alleged agreement to sell is forged and fabricated. Jeet Ram was of unsound mind since last more than 15 to 20 years. The police also endorsed this fact in the enquiry conducted on 15.11.1996. The Panchyatnama is signed by the Sarpanch Karnail Kaur. Ram Sarup further stated before the Panchayat in the year 1994 that there was an agreement of payment for 7 months which was further extended for five months. Kaka Saingh son of Gurdial Singh orally agreed for the sale of land measuring one and half acre for consideration of ₹5,00,000/-. As such Kaka Singh did not commit any wrong to Ram Sarup. Ram Sarup also did not sign the statement. It has further been alleged that agreement to sell is forged and fabricated and Chamela Ram connived with Ram Sarup while obtaining a civil court decree.

The contention of learned counsel for the petitioner is that the impugned order(s) are absolutely against the evidence available on file and settled cannons of law. Misappreciation of cogent, convincing and reliable evidence brought on record by the complainant has resulted into miscarriage of justice. In fact, from the evidence the commission of offence under Section 420, 468 and 120-B IPC is clearly made out.

This Court has given a deep thought to the submission made by learned counsel for the parties but does not find any merit therein.

As per the case projected by complainant, respondent No.1-Ram

Sarup admitted his guilt before the Panchayat and in this respect the complainant has examined CW-1/Gurmeet Singh, Member Panchayat, who has deposed that Panchayatnama dated November 25, 2011 was put into black and white by the Gram Panchayat. But the said Panchayatnama does not appear the signatures/thumb impressions of respondent No.1. As such the contents thereof, cannot be said to be binding upon respondent No.1-Ram Sarup. Similarly, a CD is alleged to have been prepared which contains the admission of guilt by respondent No.1. But to the utter surprise the said CD has also not proved in accordance with law. No efforts has been made, that the voice recorded in the CD is that of respondent No.1. So called admission alleged to be suffered by respondent No.1, he had asked Subia to produce the surety for the advancement of loan in his favour. In pursuance of which Jeet Ram stood as a surety to whom respondent No.1-Ram Sarup is alleged to have paid ₹30,000/-, as loan. In case, Jeet Ram had stood only as a surety then there was no question for the advancement of loan money. So, nothing can be inferred from the evidence to *prima facie* established that respondent No.1 made an adducement to attract Section 420 IPC.

Moreover, at the stage of summoning of a person, as an accused in a criminal case the preliminary evidence as well as allegations are to be taken into consideration. It is not that complainant has to bring only two or three witnesses to support his allegations raised in the complaint to have the criminal law set into motion. The order passed by the Magistrate summoning the accused must reflect that he has applied his mind to the fact of the case, evidence as well as law applicable thereto and if, the allegations contained in the complaint as well as evidence adduced by the complainant are taken into consideration, it can be safely

concluded that no offence is made out. Rather there is no sufficient ground for proceedings against the accused/respondent. Thus, learned Magistrate has rightly dismissed the complaint vide order dated September 19, 2014 and similarly, the revision petition has also been rightly been dismissed by learned Additional Sessions Judge, Punjab vide order dated August 20, 2015.

There is no infirmity or illegality in the impugned orders. Rather the instant petition is devoid of merits. As such the same, is dismissed.

AUGUST 04, 2016  
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(JASPAL SINGH)  
JUDGE

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|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether reportable</i>        | <i>Yes/No</i> |