

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-9586 of 2016

.....

Date of decision:18.3.2016

Nasib Singh

...Petitioner

v.

State of Haryana

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Parminder Singh, Advocate for the petitioner.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 482 Cr.P.C. praying for setting aside the order dated 12.5.2015 (Annexure-P.2) passed by learned Judicial Magistrate Ist Class, Karnal, by which the petitioner has wrongly been ordered to be summoned as additional accused by way of application filed under Section 319 Cr.P.C. and against the order dated 5.1.2016 (Annexure-P.3) whereby the learned Additional Sessions Judge, Karnal, wrongly dismissed the revision petition, arising out of incident in case FIR No.370 dated 22.10.2013 (Annexure-P.1) registered for the offences under Sections 406, 419, 420, 467, 468, 471 and 120-B IPC at Police Station Butana, District Karnal and all subsequent proceedings arising therefrom qua the petitioner are gross abuse of process of law.

I have heard learned counsel for the petitioner and have gone

through the record.

From the record, I find that an application was filed under Section 319 Cr.P.C. for summoning Harish Pahuja, Nasib, Namberdar and Dalel Singh, Retired Patwari as accused. As per the prosecution version, Nasib Namberdar was the attesting witness of the forged and fabricated sale deed. Harish Pahuja is the scribe and Dalel Singh is the retired Patwari. The learned Judicial Magistrate Ist Class, Karnal vide order dated 12.5.2015 dismissed the application qua Dalel Singh Retired Patwari and Harish Pahuja Advocate, but summoned Nasib Singh, Namberdar in the present case.

A perusal of the record and the impugned order passed by the Court below shows that as per the prosecution version the sale deed was got executed by accused Dharambir by impersonating Ram Dev Shastri (original allottee of the plot). The present petitioner is the attesting witness of the sale deed which means he identified the seller of the property, but accused Dharambir has impersonated as Ram Dev Shastri. In view of these facts and in view of the evidence on record, the Court below summoned the present petitioner under Section 319 Cr.P.C. to face the trial along with the other accused. Revision petition filed against this order has also been dismissed by the learned Additional Sessions Judge, Karnal, vide impugned judgment dated 5.1.2016. A perusal of the orders passed by the Courts below show that the same have been passed as per evidence and law. No illegality has been committed by the Courts below. In no way, the orders passed by the Courts below can be held as perverse or against the evidence

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or against the law. In no way, the orders passed by the Courts below can be treated as amount to miscarriage of justice.

Therefore, from the above discussion, I find that no ground is made out for quashing the impugned orders passed by the Courts below. Therefore, finding no merit in this petition, the same is dismissed.

March 18, 2016.

(Inderjit Singh)
Judge

hsp