

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

CRM No.M-1067 of 2017 (O&M)
Date of Decision: January 17, 2017

Darshan Singh

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Dinesh Nagar, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against State of Punjab and other respondents for quashing of the judgment dated 31.08.2016 passed by learned Addl. Sessions Judge, SBS Nagar, vide which the revision petition filed by private respondents against the summoning order dated 25.01.2014 passed by learned JMIC, SBS Nagar, was allowed and the summoning order was set aside.

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

From the record, I find that Darshan Singh filed a complaint against Jagjit Singh and other accused under Sections 420, 465, 467, 468, 471, 120-B and 506 IPC read with Section 3 of the Benami Transactions Prohibition Act.

The brief facts of the case as noted down in the summoning order passed by learned JMIC, SBS Nagar, are as under:-

“3. Brief allegations levelled by complainant in this complaint

are that previously Kulvir Singh son of Hansa Singh son of Bhulla Singh was owner of land measuring 09 kanals 11 marlas situated in Village Ladhana Jhikka, who sold the same in favour of Gurdass Ram son of Gurditta son of Heera Ram and Ranvir Singh son of Jagtar Singh son of Swaran Singh in equal shares on 14.02.1997 vide registered sale deed bearing NO.1428. Actually, the aforesaid land was purchased by Jagjit Singh son of Jagat Singh, who in order to play fraud with income tax department and Government of India effected benami transaction and purchased the land in the names of Gurdass Ram and Ranvir Singh and a complaint was made to SSP Nawanshahar in this regard by the complainant in which Gurdass is a witness and the accused are making all efforts to persuade Gurdass from backing out his statement already suffered by him before police on 06.04.2008. After purchasing the aforesaid land, Jagjit Singh sold the same by getting the sale deeds executed from Ranjit Singh son of Hardeep Singh son of Santa Singh by impersonating Ranvir Singh aforesaid on 14.02.2001, 09.05.2002 and 20.01.2003 respectively in favour of different persons in connivance with Bhupinder Pal Lamberdar, Mohan Lal witness, Amar Chand Mal deed writer, Mota Singh, Lamberdar, Kulwinder Kumar and deed writer Bhupinder Pal and Bhupinder Singh, Joginder Kumar Ghai, deed writer by hatching a criminal conspiracy with each other knowing it well that actual Ranvir Singh has already died on 08.09.1997. Lateron, all these accused got the mutations sanctioned of the aforesaid sale deeds from Naib Tehsildar Banga by concealing the actual facts. The matter was reported to the SSP Nawanshahar on 03.04.2008 but accused NO.1, who is a property dealer and has links with police procured Surjit Kaur wife of Jagtar Singh and got manipulated to file an application against complainant, Gurdass and Ranjit Singh before SSP Nawanshahar on 26.04.2008, on the basis of which FIR No.118 dated 24.05.2008 was registered at the instance of DSP Nawanshahar at PS Banga under Sections 420/120-B of IPC.”

On the basis of preliminary evidence, learned JMIC, SBS Nagar summoned accused No.1 to 9 under Sections 419, 420, 465, 467, 468 and 471 read with Section 120-B IPC. Aggrieved from this summoning order, a revision was filed by Jagjit Singh, Balvir Singh, Amar Chand Mall and Bhupinder Singh before the Sessions Court and learned Addl. Sessions Judge, SBS Nagar, vide judgment dated 31.08.2016, accepted the revision

and set aside the summoning order passed by learned JMIC, SBS Nagar.

Aggrieved from the above judgment, the complainant-petitioner has filed the present petition.

The perusal of the record shows that earlier the land measuring 9 kanals 12 marlas was owned by Kulvir Singh and he executed sale deed of this land in favour of Gurdass Ram and Ranbir Singh in equal shares. The complainant alleged that actually this land was purchased by Jagjit Singh under Benami transactions and a fraud was played with Income Tax Authorities. From this fact, one thing is clear that complainant is neither the owner/vendor nor the purchaser and the sale deed was executed in the year 1997 and the complaint was filed in the year 2014 i.e after about 17 years of that sale deed. This complaint has not been filed by Gurdass Ram or Ranbir Singh or by Jagjit Singh or by Kulvir Singh. It was filed by Darshan Singh complainant. The complainant further stated that Gurdass Ram had not spent any money to purchase the land and after purchasing this land under Benami, Jagjit Singh sold it on 14.02.2001, 09.05.2002 and 20.01.2003 in the name of different persons with the help of Ranjit Singh, who executed the sale deeds by impersonating himself as Ranbir Singh. It is also stated that sale deeds were executed in connivance with other co-accused persons and the entire sale consideration was received by Jagjit Singh himself. It is also the case of the complainant that Surjit Kaur mother of Jasvir Singh also moved application against Gurdass Ram and Ranjit Singh, on the basis of which FIR was registered under Sections 420 and 120-B IPC and no action was taken by the police.

Learned Sessions Court after appreciating the preliminary evidence and the contents of the complaint found that although anyone can

competent court of law cannot be allowed to be reopened again. Earlier a compromise took place and cancellation report on the basis of the compromise was filed in the Court, which was decided in the Mega Lok Adalat vide Award dated 21.12.2008 and the said Award reached finality. Learned Addl. Sessions Judge, SBS Nagar, further held that the complainant has not led any evidence to prove that property in dispute was a Benami property purchased by Jagjit Singh. Otherwise also, statement of Gurdass Ram regarding Benami transaction after about 17 years now, cannot be believed and relied upon. The Court further held that Darshan Singh who filed the complaint was not at all concerned with the property purchased in the name of Ranbir Singh. Furthermore, Gurdass Ram filed suit for recovery of damages on account of said FIR, which was also dismissed by learned Civil Judge. The FIR was also got registered against Gurdass Ram by Surjit Kaur, which was also cancelled in view of the compromise.

In view of the above discussion, I find that the findings given by learned Addl. Sessions Judge, SBS Nagar, are correct, as per evidence and law. In no way, the findings can be held as perverse or illegal. No illegality has been committed by learned Addl. Sessions Judge, SBS Nagar, while setting aside the summoning order dated 25.01.2014 passed by learned learned JMJC, SBS Nagar.

Therefore, finding no merit in the present petition, the same is dismissed.

January 17, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No