

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

CRM-M-13123 of 2015.

Decided on:-31.08.2017.

Satnam Singh.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Ms. Jigyasa Tanwar, Advocate
for the petitioner.

Mr. A.S. Dhaliwal, DAG, Punjab.

None for respondent No.2.

HARI PAL VERMA, J.(ORAL)

Petitioner Satnam Singh son of Sucha Singh, resident of House No.91, Akali Kaur Singh Colony, Zirakpur, District SAS Nagar (Mohali) has filed the present petition under Section 482 Cr.P.C. seeking quashing of complaint No.35 dated 16.07.2014 under Sections 193, 196, 199, 200 and 120-B of the Indian Penal Code titled as "*State through Judicial Magistrate 1st Class, Mohali Versus Inderjit Singh and others*" (Annexure P-1) pending before the Court of learned Judicial Magistrate 1st Class, Mohali.

Challenge has also been made to the order dated 16.07.2014 (Annexure P-8), whereby the petitioner was summoned to face trial in the aforesaid complaint.

Learned counsel for the petitioner states that the aforesaid complaint as well as summoning order are not sustainable qua the petitioner for the reason that the petitioner has not identified a wrong person, rather, he has identified Inderjit Singh, who stood surety to accused Hardial Singh.

Therefore, the offence, if any, is committed by accused Hardial Singh, who is stated to have arranged a bogus surety. The petitioner had just identified the surety, namely, Inderjit Singh. The said identity was further based on the Aadhar Card and Voter Identity Card.

Learned State counsel does not dispute the aforesaid fact and has fairly argued that the petitioner has been arrayed as an accused because he had identified the surety, namely, Inderjit Singh. However, identity of Inderjit Singh has not incorrectly been identified by the petitioner.

Having heard learned counsel for the parties and considering the fact that the petitioner has identified the surety on the basis of documents so adduced by Inderjit Singh, this Court finds that he cannot be arrayed as an accused and illegality or perjury, if any, is committed by surety Inderjit Singh.

Therefore, the present petition is allowed to the extent that the complaint No.35 dated 16.07.2014 under Sections 193, 196, 199, 200 and 120-B of the Indian Penal Code titled as “*State through Judicial Magistrate 1st Class, Mohali Versus Inderjit Singh and others*” (Annexure P-1) is quashed qua the petitioner. Consequently, the summoning order dated 16.07.2014 (Annexure P-8), whereby the petitioner was summoned to face trial in the aforesaid complaint is also set aside qua the petitioner.

August 31, 2017
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No