

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

**CRM-M No.37843 of 2017
Date of Decision : 10.10.2017**

Sukhdev Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mohammad Yousaf, Advocate
for the petitioner.

SUDIP AHLUWALIA, J. (ORAL)

The instant petition is directed against the original order passed by the Ld. Judicial Magistrate 1st Class, Rajpura on 19th January, 2017 as well as the subsequent order passed by the Ld. Additional Sessions Judge, Patiala in Criminal Revision No.07 of 2017 on 1st September, 2017.

Notice of motion.

On asking of the Court, Mr. Luvinder Sofat, Asstt. Advocate General, Punjab accepts notice on behalf of respondent No.1-State. A copy of the paper book be handed over to him during the course of the day.

The Ld. Trial Court had allowed an application filed on behalf of the complainant/State under Section 319 of the Cr.P.C. vide which one Sukhdev Singh was ordered to be summoned as an additional accused in the case. The evidence given against the said Sukhdev Singh was to the effect that he had impersonated as Sukhdev Singh, the true owner of the land allegedly sold to the complainant. In this regard, the petitioner's contention is that he is actually the true Sukhdev Singh and not the imposter, who had entered into the transaction. To support this contention the petitioner has relied upon the Inquiry Report (Annexure P-1) submitted by the Superintendent of Police, Rajpura, in which it was mentioned that one bogus Sukhdev Singh, son of Sewa Singh was actually involved in the cheating related offences and that the attached Voter Card, Ration Card and photocopy of the Motor Connection to the impugned documents were of the bogus Sukhdev Singh.

It may be observed that the name as well as father's name of the alleged vendor in either case happens to be identical. Whether the person executing the sale deed was actually the present petitioner or an imposter, is essentially a question of fact which cannot be determined except by way of regular trial.

Similarly, veracity of the identity related documents can also be challenged/confirmed only by way of trial. In fine this Court has no hesitation in concluding that in the given facts and circumstances the standard of material required to summon the petitioner i.e. “a little more than mere *prima facie*” is certainly made out and is in conformity with the bench-mark prescribed in the case of '*Hardeep Singh Vs. State of Punjab, 2014(3) SCC 92*'.

This Court, therefore, finds no infirmity in the impugned order which are accordingly upheld and the present petition is dismissed.

October 10, 2017

Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No