

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

**Criminal Misc. No.M-7804 of 2015 (O&M)  
Date of Decision: July 10, 2017**

Jaswant Singh

**.....PETITIONER(s).**

**VERSUS**

State of Punjab and another

**....RESPONDENT(s).**

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Jagjit Singh, Advocate  
for the petitioner (s).

Mr. Ajay Pal Singh Gill, D.A.G., Punjab.

Mr. Atul Jain, Advocate  
for respondent No.2.

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**SURINDER GUPTA, J.**

This is petition seeking quashing of complaint No.COMI/1443/2013 dated 27.04.2013 filed by respondent No.2 in the Court of Sub Divisional Judicial Magistrate, Sultanpur Lodhi for the offences punishable under Sections 326, 307, 324, 325, 452, 148 read with Section 149 of Indian Penal Code (for short-IPC) and the summoning order dated 17.01.2015, whereby the petitioner along with other co-accused was summoned to face trial for the offences punishable under Sections 148, 324, 325, 452 read with Section 149 IPC.

On the complaint of respondent No.2, an FIR bearing No.46 dated 24.06.2012 for the offences punishable under Sections 148, 324, 323,

452 read with Section 149 IPC was registered at Police Station Fattu DHINGA, District Kapurthala. After the inquiry, police vide report Annexure P-3, found Head Constable Jaswant Singh as innocent and proceeded against other accused named in the FIR. In the meanwhile, complainant filed a complaint, wherein also the petitioner and other five accused were ordered to be summoned to face trial for offence punishable under Section 148, 452, 324, 323 read with Section 149 IPC.

Learned counsel for the petitioner has argued that petitioner was found innocent and not challaned in the FIR registered for the same offences and the complainant by concealing this fact, obtained the summoning order against the petitioner.

On perusal of the order, I find that submission of learned counsel for the petitioner has no basis. The complainant had not only produced his application moved to the police as Ex.CW2 but has also produced on record copy of FIR as Ex.CW3. He has also examined the concerned police official, Head Constable Avtar Singh, who produced the register relating to registration of FIR No.46 dated 24.06.2012 at Police Station Fattu DHINGA. This fact also finds mention in the summoning order passed by learned Judicial Magistrate, Sultanpur Lodhi. This shows that FIR and the complaint made to the police were before the learned Magistrate while passing the summoning order. Evidently, there is no concealment on this score.

The occurrence took place on 22.06.2012. Statement of complainant was recorded by the police and FIR was registered on 24.06.2012. It appears that police had found the petitioner as innocent and

had not challaned him. Learned trial Court, however, found prima facie case against him and summoned him to face trial vide impugned order.

As a sequel of my above discussion, I find no substance in the argument of learned counsel for the petitioner that the petitioner had concealed material facts regarding registration of the FIR in this case to obtain the order of summoning of the petitioner. Specific role and injury was attributed to the petitioner and the evidence on file before the learned Magistrate discloses a prima facie case against him.

As the submission of learned counsel for the petitioner about concealment of material facts has no basis, I find no infirmity in the summoning order or complaint, calling for any interference on the ground that quashing of the same is required to prevent abuse on the process of Court or to secure the ends of justice.

Consequently, this petition has no merits.

Dismissed.

**July 10, 2017**  
*Sachin M.*

**( SURINDER GUPTA )**  
**JUDGE**

***Whether speaking/reasoned:*** ***Yes/No***

***Whether Reportable:*** ***Yes/No***