

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

CRR-67-2017(O&M)

Date of decision: 25.8.2017

Baljit Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR.JUSTICE H.S.MADAAN**

Present: Mr.Anil Kumar Garg, Advocate  
for the petitioners.

Mr.K.S. Aulakh, DAG, Punjab.

Mr.Amandeep Singh Rai, Advocate  
for respondents No.2 and 3.

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**H.S. MADAAN, J.**

This revision petition is directed against the order dated 10.11.2016 passed by the Court of learned Additional Sessions Judge, Ludhiana vide which he had summoned Baljit Singh and Avtar Singh as additional accused to face trial.

Briefly stated, facts of the case as per prosecution version are that Inderpal Singh Mangat through Baldev Singh Mangat, resident of Jaildar Mohalla, G.T. Road, Doraha, Tehsil Payal, District Ludhiana had addressed a written complaint to SSP Khanna, which was marked to DSP Payal for inquiry. *Inter alia* in the complaint, action was sought against Mistri Jai Singh son of Megh Singh and his both sons Baljit Singh and Avtar Singh, residents of Mohalla Gobindpura, Koshal Vakil Wali Gali,

Doraha, Tehsil Payal, District Ludhiana for deceiving the complainant and misappropriating his property as he had gone to Canada having status of non-resident Indian. In the complaint, he has contended that on assurance given by the Punjab Government to NRIs for investment in Punjab, he had purchased a plot comprising of Khasra Nos.1072 and 1073 situated at village Arraichan, Tehsil Payal in the name of his parents for business purposes; that while the complainant had gone abroad, the accused tried to misappropriate his property; that all the owners of the plot in the area have left space from their ownership for passage and that passage leads from bus stand G.T. Road, Doraha up to his plot; that the passage goes through the boundaries of Khasra Nos.1067, 1068, 1071, 1072 and 1073; that the complainant contends that his family had left 15 feet space for passage; that his mother is in Canada; that in absence of his mother on account of her visit to Canada, such accused started raising construction in the said space left by them taking advantage of the absence of his mother; that some of the shareholders wanted to get the land demarcated from Halqa Kanungo Major Singh but accused misbehaved with Kanungo also; that the matter went to police and at police station accused apologized and got free from such persons; that Smt.Harbhajan Kaur wife of Satnam Singh, resident of Dashmesh Nagar Daroha had approached the Court in that concern but accused secretly settled the matter with Satnam etc. and have planned to take possession of the property of the family, in that way being NRI, he was facing wrong acts and that Baldev Singh Mangat, resident of Jaildar Mohalla, G.T. Road Doraha would bring proofs at the time of enquiry.

After registration of the FIR, the matter was investigated. Challan against Jai Singh accused only was presented for the offences under Sections 447, 511, 34 IPC. Then statement of Baldev Singh was recorded as PW1. Thereafter, an application for summoning Baljit Singh Avtar Singh under Section 319 Cr.P.C. was filed which was allowed by learned Additional Sessions Judge, Ludhiana, which left the petitioners aggrieved and they have filed the present revision petition, notice of which was issued to respondents.

I have heard learned counsel for the petitioners, learned State counsel and learned counsel for respondents No.2 and 3 besides going through the record and I do not find any illegality or infirmity with the impugned order. The order is well reasoned one, based upon proper appraisal and appreciation of evidence and correct interpretation of law.

Though after registration of the FIR, the petitioners had been given clean chit by the police and were not sent up to face trial, however, this fact cannot be of any help to the petitioners. As is commonly known FIR is lodged in haste and it may not contain all the minute details of the incident. The manner of commission of an offence and persons involved therein can be known only during investigation of a criminal case after recording of FIR. The parameters used by the police in giving a clean chit to particular person are entirely different, whereas the Court of law acts on the deposition of a witness recorded on oath. Therefore, order passed by the trial Court is on much higher footing than any such conclusion drawn by a police officer and does not estop the Court from summoning additional accused on the basis of evidence recorded by it during trial. No

fault can be found with such order passed on an application under Section 319 Cr.P.C.

Therefore, criminal revision petition challenging that order cannot survive and is dismissed accordingly.

25.8.2017

Brij

(H.S.MADAAN)

JUDGE

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

**Whether reportable : Yes/No**