

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

CRM-M-18107-2018

Date of decision:-4.5.2018

Jagmohan Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Present : Mr.Jasraj Singh, Advocate
for the petitioner.

H.S. MADAAN, J.

By way of moving the present petition under Section 482 Cr.P.C., the petitioner – Jagmohan Singh prays for setting aside of order dated 4.3.2017 passed by Judicial Magistrate Ist Class, Hoshiapur summoning him as an additional accused, while allowing an application under Section 319 Cr.P.C. as well as order dated 22.2.2018 passed by learned Additional Sessions Judge, Hoshiarpur dismissing the revision petition preferred by the petitioner challenging such order passed by the trial Magistrate.

Briefly stated, facts of the case as per the prosecution story are that one Joga Singh son of Ajaib Singh, resident of village Kukowal, Police Station Mahilpur, District Hoshiarpur had moved an application before Deputy Commissioner, Hoshiarpur in Lok Darbar on 27.1.2006

followed by another application on 30.1.2016; in the applications there were allegations regarding embezzlement of Government grants released to Khalsa High School, Baro by President of Managing Committee besides Headmaster of the school; the Deputy Commissioner, Hoshiarpur got the matter probed from SDM, Garhshankar and it transpired that one Surinderpal, Chowkidar was employed in the school, who had expired but even then his salary was continued to be drawn; as per the inquiry report submitted by SDM, Garhshankar, Ajit Singh the then Headmaster and Sadhu Singh, Managers and Kulwaran Singh, President had conspired to do the embezzlement. Formal FIR in the matter was registered. The matter was investigated. After completion of investigation, challan against Ajit Singh accused only was filed. During the course of trial, the prosecution moved an application under Section 319 Cr.P.C., which was allowed by the trial Court and the present petitioner Jagmohan Singh was ordered to be summoned as an additional accused vide order dated 4.3.2017.

The petitioner had challenged that order by way of filing a revision petition, which was also dismissed by learned Additional Sessions Judge, Hoshiarpur vide order dated 22.2.2018. Therefore, the petitioner has approached this Court by way of filing the present petition.

I have heard learned counsel for the petitioner besides going through the record.

Learned counsel for the petitioner has relied upon **Dalip Singh Versus State of Punjab, 1997(4) R.C.R.(Criminal) 58, Durga Dat Pradhan Versus CBI, 2013(7) R.C.R.(Criminal) 2603,**

R.Dineshkumar @ Deena Versus State Rep. By Inspector of Police and others, 2015(2) R.C.R.(Criminal) 297 and *Hardeep Singh Versus State of Punjab and others, 2014(1) RCR(Criminal)623* in support of his contention that the petitioner was wrongly summoned as an additional accused when there was not enough material on the record justifying that summoning.

However, I find that it is not so. Learned trial Court while allowing the application has relied upon testimony of PW15 Bachan Kaur, Sr.Assistant DPI Punjab (Secondary Education) and inquiry report brought by him as Ex.PW15/B showing that Jagmohan Singh was also a part of alleged conspiracy in breach of trust as alleged by the prosecution, coming to the conclusion that there appear to be sufficient grounds to proceed against Jagmohan Singh as an additional accused person. Learned Additional Sessions Judge, Hoshiarpur in the order passed by him while referring to statement of PW15 Bachan Kaur, Sr.Assistant DPI Punjab (Secondary Education) has observed that in the inquiry conducted by Sh.Ravi Dutt, Deputy D.E.O. Ex.PW15/B and other inquiry reports, it was observed that Jagmohan Singh – petitioner was also part of conspiracy in breach of trust. PW1 complainant has deposed about the whole state of affairs in functioning of the school giving names of employees and even the teachers as well stating that Jagmohan Singh was the then Headmaster of school and one Tarlochan Singh was his maternal uncle working as DSP(R), Hoshiarpur at that time and that police was hand in glove with the accused. For ready reference, para No.17 of the order passed by learned Additional Sessions Judge, Hoshiarpur is as under:

So, this Court is of the view that material so placed on the record before the trial Court, in the shape of testimony of PW1 as well as that of subsequent inquiry reports is enough and sufficient to show that revisionist was also part of conspiracy of embezzlement and thus it is apparent that he has also committed the offence for which he can also be tried as an additional accused. The learned trial Court has even rightly held his trial to be held separately from the main trial since the trial against the other accused have been pending for a very very long time, after relying upon case law titled as Shashi Kant Singh Vs. Tarkeshwar Singh 2002(5) Supreme Court Cases 738.

In the present case, I do not find any such illegality or infirmity with the orders passed by the Courts below much less apparent on the face of it. The orders are certainly not in violation of settled principles of criminal jurisprudence. I do not see any reason to upset the impugned order while exercising powers under Section 482 Cr.P.C.

The petition being without merit stands dismissed accordingly.

(H.S.MADAAN)
JUDGE

4.5.2018
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No