

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

CRM-M-18284-2018

Date of decision:-4.5.2018

Samual Masih

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Present : Mr.H.S. Batth, Advocate
for the petitioner.

H.S. MADAAN, J.

By way of moving the present petition under Section 482 Cr.P.C., the petitioner – Samual Masih seeks setting aside of impugned order dated 1.11.2017 passed by Sub Divisional Judicial Magistrate, Ajnala summoning him as an additional accused, while allowing an application under Section 319 Cr.P.C. as well as order dated 17.3.2018 passed by learned Additional Sessions Judge, Amritsar affirming the said order passed by Sub Divisional Judicial Magistrate, Ajnala and dismissing the revision petition of the present petitioner.

Briefly stated, facts of the case are that the complainant – Rupinder Masih son of Mahinder Masih, resident of Gujjapir, Police Station Ajnala, District Amritsar had submitted a written complaint addressed to SHO of Police Station, Ajnala, in which he contended that

Samual Masih (present petitioner), who is working as a Government Teacher is his close relative and such Samual Masih along with his son Joy Paul Masih are running a travel agency; that he was taken in by their talks and decided to go abroad; earlier they had tried to send him to England thereafter to Cyprus but in vain; that Samual Masih and his son Joy Paul Masih did not return the money despite specific demands, rather, on the pretext of sending him to Canada, they received more money from the complainant; when the complainant went to Delhi Airport for boarding plane to Canada, then he found that visa was fake and then he returned; thereafter both father and son promised to send him to America, however, the complainant landed at capital city of Labira; the father and son demanded more money; the complainant was tortured and harassed in the capital city of Labira; that it was with great difficulty on account of efforts made by his parents that he could come back.

On the basis of such written complaint, formal FIR was registered. The matter was investigated. After completion of investigation, only Joy Paul Masih was sent up to face trial.

During the course of trial, the prosecution moved an application under Section 319 Cr.P.C., which was allowed by Sub Divisional Judicial Magistrate, Ajnala. The present petitioner, who had been summoned as an additional accused preferred a revision petition before the Court of Sessions challenging that order, which was dismissed, as such, being dissatisfied he has approached this Court way of filing the present petition.

I have heard learned counsel for the petitioner besides

going through the record.

The petitioner is specifically named in the FIR and criminal acts are attributed to him. Learned Sub Divisional Judicial Magistrate, Ajnala while allowing the application has recorded his satisfaction that prima facie there are sufficient grounds to summon the petitioner as an additional accused. Learned Additional Sessions Judge, Amritsar in the detailed judgment/order passed by him has considered all the aspects of the case, the law on the subject, the facts and the circumstances of the case while affirming the order passed by Sub Divisional Judicial Magistrate, Ajnala and dismissed the revision petition.

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 the same. 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