

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

251

CRM-M-35272-2017 (O&M)

Date of Decision : 11.10.2018

Shiv Pal Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:HON'BLE MR. JUSTICE P.B.BAJANTHRI

Present: Mr. Deepak Verma, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Munish Kumar Garg, Advocate and
Mr. Arun Gupta, Advocate for respondent No.2 and 3.

P.B. BAJANTHRI, J.(ORAL)

In the present petition, petitioner has sought for quashing under Section 482 Cr.P.C. the impugned order dated 01.08.2017 (Annexure P-8) whereby order dated 27.10.2016 (Annexure P-5) summoning the respondents No.2 and 3 to face trial in case FIR No. 26 dated 11.02.2015 under Section 420 IPC registered at Police Station Garhshankar.

2. Learned counsel for the petitioner submitted that the revisional court set aside the well reasoned order of the trial court without appreciating the fact that there are specific allegation against them in the FIR and even specific role such as payment of money through cheque to them is evident. He was also unheard before the revisional court as he was not arrayed as party. So he was required to be heard in the matter. Thus, the impugned order is liable to be set aside.

3. On the other hand learned counsel for the respondent admitted the fact that complainant was not heard before revisional court. However, State counsel was heard and there is no infirmity in the revisional court order.
4. Heard the learned counsel for the parties.
5. Undisputedly petitioner was not heard in the proceedings as is evident from the file and it is not disputed by learned counsel for contesting respondents No. 2 and 3. On this short ground of not giving opportunity to the complainant, present petition stands allowed. Matter is remanded to the revisional court below to decide afresh after giving a opportunity to the petitioner. Parties are directed to cooperate in deciding afresh. Parties are directed to appear before revisional court on 30.10.2018.
6. With this observation, petition stands disposed of.

11.10.2018

pooja saini

**(P.B. BAJANTHRI)
JUDGE***Whether speaking/reasoned?*
*Whether reportable?**Yes/No*
Yes/No