

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.118

CRM-M-54565-2018

Date of decision : 10.12.2018

Surinder Singh and another

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. N.S. Dadwal, Advocate, for the petitioners.

SUDHIR MITTAL, J. (Oral)

The petitioners seek quashing of order dated 10.10.2017 (P7) passed by the JMIC, Jagraon, whereby they have been summoned under Section 319 Cr.P.C. as additional accused as well as order dated 20.10.2018 (P8) passed by ASJ, Ludhiana, whereby their revision petition has been dismissed.

FIR No.61 dated 29.5.2012, was registered at Police Station, Sidhwan Bet, Ludhiana Rural, under Sections 420, 467, 468, 471 120-B IPC on the allegations that Kamaljit Kaur, daughter of Bhagwan Kaur in connivance with the petitioners sold land belonging to Thakardwara (Mandir) by forging the revenue record.

Counsel for the petitioners submits that FIR was registered only against aforementioned Kamaljit Kaur as the petitioners had been found innocent in an enquiry conducted by the revenue officials. The petitioners have also filed a criminal complaint against Kamaljit Kaur and the complainant of the present FIR, apart from a suit for recovery of money. Thus, the petitioners are aggrieved by the actions of Kamaljit Kaur and the complainant instead of vice-versa. The summoning of the petitioners as additional accused under Section 319 Cr.P.C. is, therefore, illegal.

The trial Court has summoned the petitioners as it found on the basis of evidence produced before it that the petitioners had connived with the vendor namely Kamaljit Kaur to defraud the Thakardwara (Mandir), which was the original owner of the land in dispute. The contention of counsel for the petitioners that the petitioners are not involved in the conspiracy and that they have themselves been cheated by the vendor namely Kamaljit Kaur is a matter to be decided after trial. Presently, there is no evidence available before the trial Court to exonerate the petitioners. At this stage, the petitioners have only been summoned to stand trial and they have a right to lead evidence in their defence and seek acquittal. I am only required to examine whether the Courts below have committed any illegality or irregularity by summoning the petitioners under Section 319 Cr.P.C. Learned counsel for the petitioners has failed to point out any such illegality or irregularity and therefore, I see no reason to exercise my powers under Section 482 Cr.P.C.

The petition is accordingly dismissed.

(SUDHIR MITTAL)
JUDGE

10.12.2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No