

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Revision No.3482 of 2016 (O&M)
Date of decision : 27.03.2018

Karanjeet Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Atamjit Singh Thind, Advocate for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

RAJ SHEKHAR ATTRI, J.(Oral)

Petitioner has preferred the instant revision petition under the provisions of Section 401 Cr.P.C. against the order dated 14.07.2016, passed by the learned Chief Judicial Magistrate, Patiala, vide which the application under Section 319 Cr.P.C., filed by respondent No.2, for summoning the petitioner as an additional accused has been allowed.

Briefly stated, it is a case of the prosecution that petitioner and his co-accused conspired to cheat the complainant. Under this spree, they forged and fabricated certain documents and used them as genuine.

After registration of FIR, the petitioner was exonerated vide inquiry report dated 15.02.2014, conducted by Deputy Superintendent of Police (D), Patiala. However, an application under Section 319 Cr.P.C. for summoning the petitioner as accused, moved by complainant through State was allowed vide impugned order dated 14.07.2016.

I have heard learned counsel for the parties and have gone through the record.

Learned trial court, vide impugned order dated 14.07.2016, has specifically observed as under:-

“After hearing the rival submissions of learned Addl. PP for the State and learned defence counsel, this Court is of the

considered opinion that the present application deserves to be allowed. Section 319 of Cr.P.C. empowers the court to proceed against a person/persons appearing to be guilty of the offence. The present case was registered on the basis of statement of complainant Hardev Singh. The challan has not been presented against the accused named above and the names of both these accused have been mentioned in column no.2 of the challan. During the course of prosecution evidence complainant Hardev Singh has appeared before the court as PW1 and has specifically deposed that Parmanand Kansal assured the complainant to get the date of visa extended. He asked the complainant to bring Rs.16,8000/- and Rs.3 lacs to deposit as surety to the bank to show an amount of Rs.28 lacs for the extension of visa. On 1.5.2012, the complainant alongwith his brother took Rs.46,8,000/- as demanded by Parmanand Kansal, and Parmanand Kansal brought them at Sandhu Complex Chotti Baradari, Patiala where he introduced Karanjeet, Jagdeep Somal and Taranpreet Singh with them. The complainant handed over the money to them and thereafter various documents were executed by the parties for the purpose of opening account including blank cheques etc., for the purpose of extension of visa. Moreover, the names of above said accused also figured in the FIR. After going through the testimony of complainant Hardev Singh (PW1), it is quite evidence that accused named above had actively participated in the commission of offence. As such, this court is satisfied that evidence adduced by the prosecution makes out for compelling circumstances from where it appears that accused Parmanand Kansal and Karanjeet Singh Virk have committed offences punishable under Sections 420, 465, 467, 468, 471, 120-B IPC. Accordingly, the application under Section 319 Cr.P.C. filed by the prosecution is allowed and accused Parmanand Kansal son of Megh Raj, resident of Dashmesh Nagar, Sunam and Karanjeet Singh Virk son of Darshan Singh r/o House No.200,

Phase-2, Urban Estate, Patiala, are ordered to be summoned to face trial in this case under Section 420/465/467/468/471/120B IPC. Application disposed off accordingly.”

A bare perusal of the material available on the record transpires that petitioner and his co-accused have forged and fabricated certain documents. A specific role has been attributed to the petitioner.

It has been argued on behalf of the petitioner that victim was sent to foreign country and she remained there upto 09.05.2012 whereas she had applied for extension of visa in Australia and found that she was staying illegally in that country.

Sending of persons on forged visa and fabricated documents are on increase in this part of the country and rarely such culprits are apprehended. The involvement of the present petitioner is fully made out and he alongwith his associates collected huge amounts from the victim and her relatives. This Court is not oblivious of the fact that a big racket of trafficking on forged visa is going on in this country. The victim was helpless student. She was duped by showing as green posture. Infact, fabricated documents were provided to the victim and she was deported.

Keeping in view the aforesaid, the impugned order does not suffer from any illegality, infirmity or irregularity and the same does not call for any interference and is hereby affirmed.

Accordingly, the instant petition stands dismissed.

(RAJ SHEKHAR ATTRI)
JUDGE

27.03.2018
mamta-M

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No