

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

CRM-M-9884-2018

Date of decision:-9.3.2018

Jagjiv Kumar Sharma

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Present : Mr.Munish Puri, Advocate
for the petitioner.

H.S. MADAAN, J.

Petitioner – Jagjiv Kumar Sharma, who has been summoned as an additional accused by Sub Divisional Judicial Magistrate, Baba Bakala vide order dated 14.6.2016 and whose revision petition challenging that order was dismissed by learned Additional Sessions Judge, Amritsar vide order dated 16.11.2017, feeling dissatisfied with the impugned orders has approached this Court by way of filing the present petition under Section 482 Cr.P.C.

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

The FIR in this case was lodged on the basis of written complaint submitted by Dr.Sarabjit Singh, resident of village Bhorsi

Rajputan to Senior Superintendent of Police, Amritsar Rural for taking action against Ranjna Bhandari, resident of Dhariwal, District Gurdaspur, presently residing at Delhi and present petitioner – Jagjiv Kumar Sharma, Principal of Chintpurni Medical College, Pathankot for committing fraud to the tune of Rs.20 lakhs on the pretext of making available seat for MBBS in the medical college. Though after investigation only Ranjna Bhandari was challaned and it was not so as regards Jagjiv Kumar Sharma, however, during trial on an application under Section 319 Cr.P.C. having been filed by the prosecution, he has been summoned as an additional accused. Feeling aggrieved by that order passed by Sub Divisional Judicial Magistrate, Baba Bakala, he had filed a revision petition in the Court of Sessions, but was unsuccessful there, as such, he has approached this Court.

A perusal of the FIR goes to show that there are clear and specific allegations against the petitioner by name, of being part of organized group, which played fraud with the complainant and cheated him of Rs.20 lakhs by giving allurements to complainant to get admission for his son in a Medical College. Though he was not challaned by the police but during the trial PW1 Dr.Sarabjit Singh – complainant specifically named him as a culprit. Thereafter, the prosecution had moved an application under Section 319 Cr.P.C. and Sub Divisional Judicial Magistrate, Baba Bakala vide a detailed well reasoned order dated 14.6.2016 had summoned the petitioner as an additional accused. In the impugned order, the settled law on the subject has been kept in mind and while discussing the factual and legal position as well as the evidence available on file, the Magistrate had passed the summoning

order against the petitioner. When challenged in revision petition, learned Additional Sessions Judge, Amritsar considering all facts and circumstances of the case, legal position on the subject found the order to be legal and valid. I on my part do not find any illegality or infirmity in the impugned orders, which might have called for interference by this Court while exercising power under Section 482 Cr.P.C.

The petition being without merit stands dismissed accordingly.

(H.S.MADAAN)
JUDGE

9.3.2018
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No