

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

1. CRM-M-12780-2016 (O&M)
Date of decision : 30.04.2019

Ujjagar Singh Kooner

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-12781-2016 (O&M)
Date of decision : 30.04.2019

Ujjagar Singh Kooner

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ishan Kaushal, Advocate for the petitioner.

Mr. Ramdeep Pratap Singh, DAG, Punjab.

ANIL KSHETARPAL, J. (ORAL)

By this order, two petitions, one is for setting aside the order dated 22.01.2016 passed by the trial Court and second is for setting aside the order dated 23.02.2016 passed by the trial Court refusing to summon additional accused under Section 319 of the Code of Criminal Procedure, shall stand disposed of.

This case has a chequered history. Initially, the case was instituted against Dr. Karanjit Singh Kooner who is resident of United States of America. He filed petition under Section 482 of the Code of Criminal Procedure for quashing the FIR No.101 dated 13.07.2005 registered under Sections 420, 467, 471, 120-B of the Indian Penal Code.

This Court vide judgment dated 17.09.2014 allowed the petition and quashed the FIR qua the petitioner by observing as under:-

“36. For the aforesaid reasons and facts of the instant case, I find that the continuation of the proceedings against the petitioner in the FIR would be nothing but an abuse of the process of the Court. It seems quite clear that the petitioner had a right in the property but it is evident that respondent No.4-complainant has made all out efforts to harass the petitioner and has even attempted to refrain him to sell his own land as the petitioner is settled abroad since the year 1976. The instant case is an perfect example of abuse of the process of Court where the Court must intervene.”

Learned counsel appearing on behalf of the petitioner has submitted that in the proceedings filed for quashing of the FIR, Deputy Superintendent of Police, had filed an affidavit alleging that the interim order passed staying the alienation of the property was violated and forged revenue record was used for sale of the property. Hence, he submitted that the order passed by the learned Judicial Magistrate, is erroneous.

It may be noted here that petitioner had filed as many as three applications while making following prayers:-

“i) Application for giving necessary directions to the investigating agency and public prosecutor for placing on

record relevant documents as mentioned in application dated 17.08.2015.

ii) Application dated 08.10.2015 directing the investigating agency to file the proper reply alongwith the information as sought by the applicant/complainant in application dated 17.08.2015.

iii) Application dated 21.10.2015 filed by the applicant/complainant for bringing on record the relevant facts pertaining to the application filed by applicant/complainant on 17.8.2015 as well as request to issue necessary directions to DGP Punjab and SSP Khanna for production of relevant information/record sought by the applicant vide application dated 17.08.2015.”

Learned Court after examining the facts of the case and the documents which have come on record, found that the final report under Section 173 of the Code of Criminal Procedure was presented on 21.11.2006 after completion of the investigation and the Court found that perusal of the challan shows that the document coupled with challan as mentioned in the list of documents dated 20.09.2006 was attached with the challan and the objection which is now being taken by the complainant regarding non-filing of document with challan is too late a stage to be entertained. Still further, affidavit filed in the previous proceedings which resulted into quashing of the FIR has already been examined by this Court in the judgment dated 17.09.2014 and after considering the contents of the affidavit, FIR qua the petitioner in the petition bearing CRM-M-8233-2007 was quashed.

In view thereof, there is no ground to interfere in the order passed by the trial Court. Hence, Criminal Miscellaneous No.12780 of 2016

is dismissed.

As regards second petition bearing CRM-M-12781-2016, petitioner has challenged the order passed by the learned trial Court dismissing the application dated 29.10.2015 rejecting the request to summon Raj Mistry @ Raj Kumar being GPA Holder of Karanjit Singh as accused.

Learned Court has held that no ground is made out to summon Raj Mistry @ Raj Kumar.

Learned counsel appearing on behalf of the petitioner has only referred to the affidavit of Deputy Superintendent of Police filed in the proceedings in Criminal Miscellaneous No.8233 of 2007 which has already been considered by the Court while delivering judgment dated 17.09.2014.

Hence, there is no force in this petition also.

Accordingly, both the petitions are dismissed.

30.04.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No