

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8402-2019

DATE OF DECISION:-25.02.2019

LAKHA SINGH AND ANR.

...PETITIONERS...

V.

STATE OF PUNJAB AND ORS.

...RESPONDENTS...

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Rahul Arora, Advocate,
for the petitioners.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C., prayer has been made for setting aside order dated 26.10.2018 (P-1) of the revisional court, whereby order dated 14.09.2017 (P-3) of the trial court was upheld.

In nutshell, the petitioners along with Malkeet Singh and Shubeg Singh were booked in FIR No.182, dated 27.10.2014, under Sections 420, 465, 467, 468, 471 and 120-B IPC, registered at Police Station Makhu, on the allegation that in connivance with each other, they forged a Will of deceased-Raghubir Singh to unlawfully gain themselves with an intention to commit fraud with the widow of aforesaid testator-Raghubir Singh. After filing of final report under Section 173 (2) Cr.P.C. by the police in court, petitioners along with aforesaid accomplice were charge-sheeted under the aforesaid sections vide order dated 08.05.2015 by the trial court. After recording the statements of 7 prosecution witnesses, two accomplice of

the petitioners namely Malkeet Singh and Shubeg Singh moved

application under Section 306 Cr.P.C. to pardon them on the ground that they were intended to become approver and depose true facts about the Will in question. The said application, after strongly contested by the petitioner was allowed by the trial court vide order dated 10.03.2017 (P-2).

Feeling aggrieved, petitioners approached the revisional court, but remained unsuccessful, as his revision was dismissed vide order dated 26.10.2018 (P-1).

Learned counsel inter alia contends that accomplice of the petitioners have been won over by the complainant. Resultantly, out of sheer greed, they, in connivance with the complainant want to depose against the petitioners. While allowing the application, both the courts below have not given any reason, which is a mandatory condition of section 306 Cr.P.C.

Having given thoughtful consideration to the submissions made by learned counsel for the petitioners, this Court finds instant petition completely devoid of any merit for the reasons to follow:-

There is no embargo for the trial court to allow any accused to become approver, if he wishes so and depose true facts in the court for just decision of the case.

Malkeet Singh and Shubeg Singh, accomplice of the petitioners, by moving application under Section 306 Cr.P.C. intended to become approver and depose true facts in court. Allowing of their prayer by the

trial court is a step towards imparting justice to an aggrieved person, who

in the instant case is a hapless women and a widow, having no children.

According to the prosecution, Will of her deceased husband has been forged and fabricated by the petitioners in connivance with aforesaid approvers. To impart justice, is, in itself, a reason to allow application under Section 306 Cr.P.C., vis-a-vis, no specific mentioning is required for the same.

In view of the above, instant petition is dismissed.

25.02.2019

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(RAMENDRA JAIN)
JUDGE

whether speaking/reasoned:

Yes/No

whether reportable:

Yes/No