

CRM-M-31932-2014

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

CRM-M-31932-2014 (O & M)

Date of Decision: 15.03.2019

Gurcharan Singh Bansal and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Aayush Gupta, Advocate,
for the petitioners.

Ms. Monika Jalota, DAG, Punjab.

Mr. J.S.Bhatia, Advocate,
for respondent No.2.

INDERJIT SINGH, J.

Petitioners-Gurcharan Singh Bansal and Kulbir Singh have filed this petition under Section 482 Cr.P.C. for quashing of FIR No.264 dated 17.09.2006, under Sections 420, 467, 468, 471 and 120-B of the IPC qua them and the order dated 07.05.2013 passed by learned Judicial Magistrate Ist Class, Ludhiana, vide which application filed under Section 319 Cr.P.C. has been allowed and the petitioners have been summoned to face trial as additional accused.

Notice of motion was issued. Learned State counsel appeared on behalf of respondent No.1-State and respondent No.2 also appeared through his counsel. They contested this petition.

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

From the perusal of record, I find that FIR, in the present case, has been registered on the application of complainant-Kulwant Singh against Gurcharan Singh Bansal, Kulbir Singh and Dalbara Singh, Janta Property Dealer for committing fraud. The allegations have been levelled against the petitioners that they had agreed to sell a plot measuring 250 square yards and had taken Rs.10,000/- as earnest money, which was paid to Gurcharan Singh Bansal, who had also given receipt in this regard. The remaining amount of Rs.1,90,000/- was also given to Gurcharan Singh, Kulbir Singh and one another person namely Dalbara Singh in the presence of Jeet Singh. They also executed the sale deed on the attestation of Mohan Singh. When the complainant tried to construct the boundary wall, then one person namely Dalbara Singh came there and stated that this property is owned by him and he had not executed the sale deed. When the complainant went to the office of Gurcharan Singh, then Dalbara Singh was found sitting there being their employee.

As per the allegations in the FIR, the sale deed has been got executed by impersonation. The present petitioners are named in the FIR and specific allegations have been levelled against them, who are the property dealers. Dalbara Singh, who is stated to be owner of the property, was their employee and as per the allegations of petitioners, the property was purchased from Dalbara Singh by petitioner-Gurcharan Singh Bansal.

In the present case, challan has already been presented after completion of

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investigation and charges have already been framed. After recording of examination-in-chief of PW 1 Kulwant Singh, the present petitioners have been summoned under Section 319 Cr.P.C.

At the time of summoning under Section 319 Cr.P.C., it should appear to the Court that the person to whom the prosecution wants to summon as additional accused, is involved in the commission of offence and should face the trial alongwith the accused already challaned. In the present case, in view of the evidence on record as well as the allegations in the FIR, it appears to the Court that the present petitioners are involved in the commission of offence and they should face the trial alongwith the main accused.

At the time of arguments, it is admitted that receipt of ₹10,000/- was given by petitioner-Gurcharan Singh Bansal. As per the complainant, the remaining amount was also paid to Gurcharan Singh Bansal and Kulbir Singh and they were also present at the time of getting the sale deed executed. As per respondent No.2-complainant, the petitioners are the main accused, who got the sale deed registered through impersonation and the remaining amount was paid to them.

I have perused the impugned order passed by learned trial Court. In no way, the impugned order can be held as perverse or against the law. At the time of arguments, nothing has been pointed out as to what illegality has been committed by the trial Court while summoning the present petitioners. The report of inquiry officer, at this stage, cannot be looked into vide which the petitioners have been found innocent etc.

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In view of the above discussion, I find that the impugned order dated 07.05.2013 passed by learned Judicial Magistrate Ist Class, Ludhiana is correct, as per evidence and law and the same does not require any interference from this Court.

Therefore, finding no merit in the present petition, the same is dismissed.

15.03.2019

parveen kumar

(INDERJIT SINGH)
JUDGE

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No