

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-2406-2018 (O&M)
Date of decision: 20.02.2019

Jaspreet Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. N.S. Sodhi, Advocate and
Mr. Manvir Singh, Advocate
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

Mr. P.S. Daliwal, Advocate
for respondent No.2.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this revision petition is for setting aside the order dated 23.04.2018, vide the trial Court has framed the charges under Sections 379, 427, 447, 511, 148, 149, 427, 120-B of the Indian Penal Code (for short 'IPC'), Section 3(4) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'SC&ST Act') and Sections 25/54/59 of Arms Act.

Learned counsel for the petitioner has submitted that as per allegations in the FIR, complainant Kamaljit Singh has stated that he has 08

acres of land, as detailed in the FIR and has given it on lease to one Harbhajan Singh and one of the co-accused Ravinder Singh @ Binda got the revenue record of the land changed in his name, in conspiracy and connivance with Lakhwinder Singh, Naib Tehsildar and his Reader Jaswant Singh since 2012. It is further stated that though the complainant has never given the land to aforesaid Ravinder Singh @ Binda, however, entry of possession in the khasra girdawari was changed in his name. It is also stated that on 06.11.2013, aforesaid Ravinder Singh @ Binda along with many other persons came to the spot and forcibly entered the land and harvested the standing paddy crop over 3 acres of land, which was sown by the lessee of the complainant namely Harbhajan Singh.

Learned counsel for the petitioner has argued that in an enquiry conducted by the police, only attribution against the petitioner Jaspreet Singh was that he has given an affidavit on 04.05.2012 that he has taken 8 acres of land of Kamaljit Singh and Ravinder Singh @ Binda, co-accused in the FIR has sown the wheat crop by committing the theft. It is further argued that in the FIR, it has been opined that primarily offence under Sections 379, 447, 511, 148, 149, 177 IPC, Sections 3/4 of SC&ST Act and Sections 25/57/54/59 of Arms Act was made out and action is liable to be taken against petitioner Jaspreet Singh under Section 177 IPC for submitting a wrong affidavit, by concealing the truth, in order to do favour of co-accused Ravinder Singh @ Binda, who is the main accused in the FIR. Learned counsel has thus argued that only charge, which can be framed against the petitioner is Section 177 IPC, for which only complaint is

maintainable and therefore, charges framed against the petitioner are not sustainable.

In reply, learned State counsel has submitted that during the investigation, it has come on record that the petitioner, in conspiracy with main accused Ravinder Singh @ Binda, has given an affidavit in his support to show his possession and therefore, the petitioner has been named in the FIR with the aid of Section 120-B IPC.

Learned counsel for the complainant has however argued that the matter was enquired into by the Deputy Inspector General of Police and on the basis of enquiry, the police has submitted the challan against the accused persons and the observations in the enquiry report are that action is liable to be taken against Jaspreet Singh under Section 177 IPC, as in addition to his role of conspiracy with co-accused Ravinder Singh @ Binda, he has given false affidavit, to enable Ravinder Singh @ Binda, in changing the khasra girdawari in his favour. It is further submitted that there are clear allegations against the petitioner qua which charge under Section 120-B IPC has been framed.

After hearing learned counsel for the parties, I find no merit in the present revision petition.

Since the allegations against the petitioner are of conspiracy with co-accused Ravinder Singh @ Binda, who succeeded in changing the khasra girdawari in his name, on the basis of affidavit given by the petitioner, though he was not in possession of the property, I find no ground to interfere in the impugned order passed by the trial Court, framing charge

against the petitioner, as the trial Court has rightly found that prima facie offence, on the basis of FIR and report under Section 173 Cr.P.C., is made out against the petitioner.

Dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

20.02.2019
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No