

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.201

CRR-3004-2017 (O&M)
Date of decision : 5.3.2019

Mahesh Puri

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Surinder Garg, Advocate, for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab

Mr. Ankur Bansal, Advocate, for the complainant.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks quashing of order dated 29.7.2017 passed by JMIC, Jalandhar, whereby he has been summoned as an additional accused under Section 319 Cr.P.C.

Learned counsel for the petitioner submits that the petitioner was exonerated by the police and kept in column No.2 in the challan presented under Section 173 (2) Cr.P.C on the ground that being a local Municipal Councillor, the petitioner had signed the document in dispute and no culpability can be fastened upon him. Thereafter, the petitioner has been summoned to stand trial on an application filed under Section 319 Cr.P.C, after the complainant was examined as PW-3. The said witness only reiterated whatever had been stated by him before the registration of the FIR and thus, the impugned order summoning the petitioner to stand trial as additional accused is liable to be set aside.

Learned State counsel as well as counsel for the complainant submit that admittedly, the petitioner is a local Municipal Councillor and on account of this status, he has to be careful while conducting public dealings.

The document in dispute is a Will and such a document could have been

signed only in the presence of the testator. The fact that the petitioner has signed the Will in the absence of testator, points a finger of suspicion against him. Thus, the impugned order is valid and legal and does not deserve to be interfered.

The case of the petitioner is that being a Municipal Councillor, he had signed Will in dispute as an attesting witness in routine as the petitioner used to sign a large number of documents of the people of his constituency. This argument cannot be accepted because Will is not in nature of any other public document which needs attestation of a public figure. A Municipal Councillor is supposedly a responsible person. Before he attests a Will, he must give due consideration to the nature of the document and whether he is attesting the same, in accordance with law. Having not done so, the action of the petitioner invites grave suspicion and thus, no error can be found in the impugned order. The petition is accordingly, dismissed with the observation that nothing stated hereinabove will be construed as an opinion on the merits of this case.

(SUDHIR MITTAL)
JUDGE

5.3.2019

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No