

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-38302-2021 (O&M)
Date of Decision:-20.9.2021

Sarbjit Bhatti @ Soni

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sushil Saini, Advocate for the petitioner.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner assails order dated 6.7.2021 passed by learned Additional Sessions Judge, Hoshiarpur (Annexure P-13) vide which a revision petition filed by the petitioner challenging summoning order dated 22.4.2014 passed by learned Judicial Magistrate 1st Class, Hoshiarpur (Annexure P-8) for offences under Sections 452, 455, 506, 427, 511, 148, 149 of Indian Penal Code and Section 24 of the Police Act on the basis of a criminal complaint, has been dismissed.
2. Learned counsel for the petitioner submits that the allegations, in nutshell, are to the effect that the petitioner and other accused had demolished a wall as existing on a 2 marlas plot belonging to the complainant and had also issued threats to him.

3. Learned counsel for the petitioner submits that infact the wall in question was in the nature of an encroachment made by the complainant in the street and in respect of which, demarcation had been conducted and the same was infact found to be an encroachment. Learned counsel refers to an order dated 11.9.2015 passed by the Director, Rural Development and Panchayat Department, Punjab (Annexure P-10), wherein it has been held that the complainant had raised construction on a passage on account of which the drainage of waste water had been obstructed. It has been informed that although a writ petition against the said order had also been dismissed but a review petition is pending.
4. I have heard the learned counsel for the petitioner.
5. Apart from the fact that the aforesaid litigation has not attained finality as a review petition is stated to be pending, this Court also finds that the order dated 11.9.2015 (Annexure P-10) does not specifically point out to the area on which the illegal construction has been made, which has been demolished. In other words, it is not clear as to whether the wall, which the complainant alleges to have been demolished, is the same wall, which is subject matter of order dated 11.9.2015 (Annexure P-10). In these circumstances, this Court does not find any ground to interfering with the order dated 6.7.2021 passed by learned Additional Sessions Judge, Hoshiarpur (Annexure P-13) and the same is hereby upheld.
6. It is, however, clarified that it shall be open to the petitioner to raise all the issues as have been raised before this Court, at the stage of framing of charges before the Trial Court or at any other appropriate stage by specifically referring to documents, which could indicate that the property,

which was subject matter of order dated 11.9.2015 (Annexure P-10) is the same property, which the complainant alleges to have been demolished by the accused.

7. The petition stands disposed off accordingly.

20.9.2021
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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No