

CRM-M-42128-2021

Date of Decision:17.01.2022

Jeet Singh

.....Petitioner

Vs.

State of Punjab and others

....Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: None for the petitioner.

Mr. M.S.Nagra, AAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)Case heard *via* video conference.

On 07.10.2021, the following order had been passed by this court:-

“Case heard *via* video conference.

By this petition, the petitioner seeks a direction to the investigating agency to serve the petitioner with a prior 7 day notice on a complaint/application moved by respondent no.3.

Learned counsel for the petitioner submits that the allegation being that the petitioner was a witness to the agreement of sale executed between one Narinder Singh and Sarabjit Kaur (through her attorney Harbans Singh), and that a fraud was committed upon the complainant (the said Harbans Singh), because the petitioner knew that the purported vendor was actually Poonam Kaur but not Sarabjit Kaur, and that the plot never stood in the name of Sarabjit Kaur, is a contention wholly without any basis because even in the civil suit that Narinder Singh filed arraying therein Sarabjit Kaur and Sukhwinder Kaur as defendants (Sarabjit Kaur through the complainant Harbans Singh), with that suit in fact having been only partly decreed as regards return of earnest money to the plaintiff-Narinder Singh, this stand was never taken by either plaintiff Narinder Singh or the complainant Harbans Singh, who was virtually defendant no1 (as attorney of the said defendant Sarabjit Kaur alias Poonam Kaur).

Notice of Motion.

Mr. Rana Harjasdeep Singh, DAG, Punjab, accepts notice at the asking of the court on behalf of the respondents no.1 and 2.

A copy of the petition be e-mailed to learned State counsel today itself by learned counsel for the petitioner.

Respondents no.3 and 4 be served by way of normal process.

Learned counsel for the petitioner having contended that in view of the above, no cognizable offence in fact is made out against the petitioner, who was only a witness to a sale deed

that has been upheld by the trial court in civil proceedings, and no cognizable offence is made out, subject to obviously consideration of the reply to be filed by the respondents herein, the petitioner would be issued 7 days notice under the provisions of Section 41-A of the Cr.P.C., before any coercive action is taken against him.

Adjourned to 17.12.2021.

A gazetted officer will file a detailed reply to the petition on behalf of the respondent State.”

As reply has been filed by the DSP, Crime Against Property and Special Crime and Cyber Crime, Kapurthala, dated 16.12.2021, which is ordered to be taken on record.

Learned counsel for the petitioner has however not joined the video conference possibly because it is past 4:00 p.m.

However, a perusal of the said reply shows that in fact, as there are civil cases pending between the parties, the complaint filed by respondents no.3 and 4 “was closed by the DSP, PBI, Special Crime Economic Offences and Cyber Crime and thereafter said report was approved by the SSP, Kapurthala, on 13.11.2021”.

That being so, obviously this petition has been rendered infructuous and is disposed of as such.

January 17, 2022

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES
Whether Reportable : NO