

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-30-2020 (O & M)****Date of decision: 08.02.2023**

Rajiv Kumar

.... Petitioner

V/s

Sanjiv Verma and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vikas Singh, Advocate,
for the petitioner.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of the order dated 10.12.2018 passed by Additional Sessions Judge, Kaithal (Annexure P-3) in the revision petition filed by the petitioner against the order dated 21.07.2014 passed by the Chief Judicial Magistrate, Kaithal (Annexure P-2) dismissing the criminal complaint No.400 of 2009 dated 20.08.2009 under Sections 420, 467, 468, 471, 120-B, 506, 166, 167, 192, 193, 194, 195, 198, 201, 203, 217, 218, 219 and 342 IPC (Annexure P-1).

2. The brief facts of the case are that a criminal complaint under sections 420, 467, 468, 471, 120-B, 506, 166, 167, 192, 193, 194, 195, 198, 201, 203, 217, 218, 219 and 342 of Indian Penal Code was filed by the complainant/petitioner, wherein he alleged that Sh. M.L. Verma, IAS who was posted as Addl. Principal Secretary to Chief Minister Haryana, was murdered by the terrorists along with his family on 01.02.1992. The accused no.1/Respondent no.1 Sanjiv Verma being the only educated person in the

family was nominated to the H.C.S. in the ex gratia scheme by the Government of Haryana in the year 1992. He (complainant) and his family had full faith in the accused Sanjiv Verma and hence all the powers for taking decisions in the family were given to him. But, the accused Sanjiv Verma taking undue advantage of their blind faith and in order to grab their property started designing a criminal conspiracy of getting them involved in criminal cases. In order to fulfill this conspiracy, accused Sanjiv Verma called the him (complainant) to his office when he (Sanjiv Verma) was posted as General Manager, Haryana Roadways Kaithal. One Avtar Singh, Proprietor of M/s Avtar Motors was also present there. Accused Sanjiv Verma asked him (complainant) to go with the said Avtar Singh to gain work experience, so that he (Sanjiv Verma) could adjust him (complainant) in a government job and also asked him (complainant) to give his (complainant's) photographs, copies of educational certificates and got signed an application for appointment. Accused Sanjiv Verma himself obtained the experience certificate from Avtar Singh and appointed him (complainant) as a Storeman at Haryana Roadways Kaithal in the year 1996. However, he (complainant) was shocked to hear and read in the newspaper that on account of the preparation of a forged and fabricated experience certificate of M/s Avtar Motors, an FIR under sections 406, 420, 467, 468 and 471 of Indian Penal Code had been got lodged against him at police station City Kaithal on 21.05.2009 though the said certificate was procured by accused Sanjiv Verma. Thereafter, he (complainant) came to know that the said FIR was registered the behest of accused no.2 Telu Ram as the accused Sanjiv Verma had assured him to join as a Storeman in his (complainant's) place. Thus, accused Sanjiv Verma in collusion with accused Telu Ram had conspired against him (complainant), as he (complainant)

and his family members came know that accused Sanjiv Verma had sold his (complainant’s) properties and of his (complainant’s) brothers by way of impersonation. He (complainant) had applied for anticipatory bail which was granted and was ordered to join investigation. When he (complainant) went to the police station City Kaithal the accused/Respondent No.3-Sube Singh and SI Kashmir Singh (accused-Respondent No.4) instead of joining him in investigation kept him in the lock up in illegal custody till 2:00 PM. When he (complainant) asked them to release him on bail in pursuance of the Court order, they stated that it is their police station and not the Court room and were doing everything as per the direction of accused no.1. Accused SI Kashmir Singh tortured him (complainant) at the police station and took his signatures on blank papers. Therefore, a prayer was made for punishing the accused under Sections 420, 467, 468, 471, 120-B, 506, 166, 167, 192, 193, 194, 195, 198, 201, 203, 217, 218, 219 and 342 IPC. A copy of the complaint is annexed with the petition as Annexure P-1.

3. In preliminary evidence, the complainant himself appeared in the witness box as CW-1 and also examined his father Babu Ram as CW-2 and brother Sandeep Kumar as CW-3. The complainant also relied upon the following documents:-

Ex.C1	Photocopy of experience certificate of complainant issued by Avtar Motors, Kaithal.
Ex.C2	Photocopy of FIR No.341 dated 21.05.2009 under sections 406, 420, 467, 468, 471 of IPC, police station City Kaithal.
Ex.C3	Photocopy of application written by Jaimal Singh to The Chairman/Administrator, Improvement Trust Yamuna Nagar regarding transfer of plot no.467 situated in Sarojini Colony, Yamuna Nagar.
Ex.C4	Photocopy of affidavit of Jaimal Singh.
Ex.C5	Photocopy of application written by complainant to The Chairman/Administrator, Improvement Trust Yamuna Nagar regarding transfer of plot no.467 situated in Sarojini Colony, Yamuna Nagar in the name of Jaimal Singh.
Ex.C6	Affidavit of complainant Rajiv Kumar.

Ex.C7	Photocopy of letter dated 3.7.2009 written by Chairman, Improvement Trust Yamuna Nagar to complainant Rajiv Kumar.
Ex.C8	Photocopy of application written by Sandeep Kumar to The Chairman/Administrator, Improvement Trust Yamuna Nagar regarding transfer of plot no.466 situated in Sarojini Colony, Yamuna Nagar in the name of Arjun Singh.
Ex.C9	Photocopy of affidavit of Sandeep Kumar.
Ex.C10	Photocopy of application written by Arjun Singh to The Chairman/Administrator, Improvement Trust Yamuna Nagar regarding transfer of plot no.466 situated in Sarojini Colony, Yamuna Nagar.
Ex.C11	Photocopy of affidavit of Arjun Singh.
Ex.C12	Photocopy of order dated 20.06.2009 passed by learned Sessions Judge, Kaithal.
Ex. C13	Voter list of village Lalhari Kalan of the year 1998.
Ex. C14	Photocopy of visiting card in the name of Poonam Kumar, Manoj Kumar and Vijay Kumar.
Ex.C15	Photocopy of a writing issued by Sarpanch, Gram Panchayat of village lalhari Kalan regarding the relation between complainant and accused Sanjiv Kumar.
Ex.C16	Photocopy of pedigree table.
Ex.C17	Certified copy of statement of PW-2 Teul Ram recorded in civil suit titled Telu Ram Vs. Transport Commissioner and others.
Ex.C18	Photocopy of judgment dated 01.08.2011 passed in civil suit titled Teul Ram Vs. The Transport Commissioner and other.
Ex.C19	Photocopy of report of DSP (Headquarter) Kaithal and photocopy of statement of Surender Pal, Clerk sought under the RTI Act.
Ex.C20	Photocopy of letter dated 9.10.1995 issued by Employment Directorate, Haryana.
Ex.C21	Photocopy of letter dated 06.04.1995 issued by Employment Directorate, Haryana.
Ex.C22	Photocopy of letter issued by District Employment Officer, Kaithal.
Ex.C23	Photocopy of letter dated 26.05.1987 issued by Employment Directorate, Haryana.
Ex.C24	Photocopy of Procedural Circular No.10/95/7.9 issued by District Employment Officer, Kaithal.

Ex.C25	Photocopy of information sought by Sanjiv Verma from Employment Office under RTI Act.
Ex.C26	Photocopy of information supplied by District Employment Officer to Sanjiv Verma.
Ex.C27	Photocopy of information supplied to Sanjiv Verma by District Employment Officer.
Ex.C28	Photocopy of register of employment office, Kaithal bearing the particulars of complainant.
Ex.C29	Photocopy of dispatch register of Employment Office, Kaithal.
Ex.C30	Photocopy of experience certificate of complainant issued by Laxmi Agricultural Implements Works, Kaithal.
Ex.C31	Photocopy of a register of employment office, Kaithal.
Ex.C32	Photocopy of a register of employment office, Kaithal.
Ex. C33	Photocopy of notification of vacancy issued by General Manager, Haryana Roadways, Kaithal.
Ex.C34	Photocopy of vacancy order register.
Ex.C35	Photocopy of dispatch register of employment office, Kaithal.
Ex.C37	Photocopy of letter dated 13.02.2016 written by General Manager, Haryana Roadways, Kaithal to Transport Commissioner, Haryana regarding interview schedule for the post of Storeman.
Ex.C37	Photocopy of list of candidates forwarded by employment office for the post of Storeman.
Ex.C38	Photocopy of selection list for the post of Storeman.
Ex.C39	Photocopy of letter dated 22.2.2010.
Ex.C40	Photocopy of information supplied by District Employment Officer to State Information Commissioner.
Ex.41	Photocopy of register of employment office, Kaithal.
Ex.C42	Photocopy of register of employment office, Kaithal.

4. Based on the evidence led, the Trial Court dismissed the aforementioned complaint vider order dated 21.07.2014 (Annexure P-2).

5. Aggrieved against the aforesaid order, a revision petition was preferred before the Court of the Additional Sessions Judge, Kaithal, which

came to be dismissed on 10.12.2018 (Annexure P-3).

The aforementioned orders are under challenge before this Court.

6. The learned counsel for the petitioner contends that the depositions of the witnesses examined by the complainant and the various documents exhibited prima facie established the offence in question for which the respondents-accused ought to have been summoned. The observations of the Additional Sessions Judge that by examining only 02 witnesses in support of the allegations was not sufficient to summon the accused does not take into account the fact that as many as 42 documents were exhibited which have not been considered in the proper perspective. He, thus, prays that the impugned orders be quashed and the case be remanded back for the respondents-accused to face Trial.

7. I have heard the learned counsel for the petitioner.

8. So far as the allegations against the accused-respondent No.1 Sanjiv Verma are concerned, he is stated to have procured an experience certificate for the complainant from Avtar Singh, Proprietor of M/s Avtar Motors to adjust him (complainant) in the Government job. Thereafter, he is stated to have got registered a false FIR against the petitioner-complainant. The allegations on the face of it are baseless.

A perusal of the complaint would reveal that the petitioner/complainant was called into the office of accused/respondent No.1 where one Avtar Singh was already sitting. The complainant handed over his photographs, photocopies of educational certificates and appended his signatures on appointment application form. These facts show that the complainant was well-aware that the work experience certificate was being procured for his benefit from M/s Avtar Motors. On the basis of the said

the accused/respondent No.1 Sanjiv Verma is concerned, there is absolutely no evidence to suggest that the accused-respondent No.1 had taken the said certificate from M/s Avtar Motors handed it over to the complainant and the complainant had thereafter procured a job unknown to him (complainant). It was the petitioner-complainant who was the direct beneficiary of the said certificate, and therefore, no culpability can be fixed upon the accused-respondent No.1/Sanjiv Verma.

Further, a perusal of the documents referred to above do not further the case of the complainant. So far as the allegations against accused-respondent No.1 regarding transfer of properties of the complainant and his family members are concerned, there is not a single document to show that the accused-respondent No.1 got transferred any property in the ownership of the complainant or his family members to his own name. Therefore, this allegation is also not substantiated.

So far as the allegations against Telu Ram are concerned, he, in fact, is the person who was to get a job in place of the petitioner-complaint. Telu Ram stepped into witness-box and supported the complainant as he was nursing a grudge against accused -respondent No.1. Even otherwise, there are no specific allegations against him and therefore, he could possibly have not been summoned.

9. So far as accused-respondents No.3 and 4, namely, SI Sube Singh and SI Kashmir Singh are concerned, the allegations are that when the complainant went to the police station in pursuance of directions issued while granting anticipatory bail to him, accused-respondent No.3 kept him in a lock-up in illegal custody from 10.00 a.m. to 2.00 p.m. whereas accused-respondent No.4 tortured him and took his signatures on blank papers. A

anticipatory bail and was directed to go to the police station between 9.00 a.m. to 5.00 p.m. and thereafter as desired by the investigating officer. There is nothing to substantiate the allegations of illegal confinement of the petitioner-complainant from 10.00 a.m. to 2.00 p.m. on 21.06.2009 or that he was tortured and his signatures were taken on various blank papers. Therefore, even these accused (respondents No.2 to 4) could not possibly have been summoned to face trial.

10. In view of the aforementioned discussion, I find no merit in the present petition. The same is, therefore, dismissed.

(JASJIT SINGH BEDI)
JUDGE

February 08, 2023
sukhpreet

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No

Whether reportable

: Yes/No