

202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33717-2022
Decided on : 23.11.2023

Ved Parkash

..... Petitioner

Versus

Mahenderpal

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. J.P.Sharma, Advocate
for the petitioner.

Mr. Aditya Sanghi, Advocate
for the respondent.

Manjari Nehru Kaul, J.(Oral)

Instant petition has been filed under Section 482 Cr.PC for setting aside the impugned order dated 13.07.2015 (Annexure P-2) passed by learned Sessions Judge, Narnaul vide which the petitioner was summoned to face trial under Sections 409, 466, 468, 471 IPC.

2. Learned counsel for the petitioner *inter alia* contends that he has been erroneously summoned by the learned Revisional Court for allegedly preparing fake muster rolls while relying solely upon an enquiry report of the BDPO. While drawing the attention of this Court to Annexure P-4 (enquiry report of BDPO), learned counsel has submitted that it is a matter of record that the aforementioned enquiry report had not been accepted by the competent authority i.e. Deputy Commissioner, Narnaul, and therefore, it could not have been made a basis for summoning of the petitioner vide the impugned order. It

has further been submitted that there was no material on record to substantiate his involvement in the alleged crime and therefore ld. Trial court had rightly dismissed the complaint in his favour, which was then erroneously reversed by the Revisional Court vide impugned order. Learned counsel has still further submitted that in the absence of any other cogent material on record, the inquiry report (Annexure P-4) on its own could not have been taken into consideration as in a criminal case higher degree of proof as compared to disciplinary proceedings is required.

3. Per contra learned counsel for the respondent while opposing the prayer and submissions made by the counsel opposite has submitted that the impugned order passed by the Revisional Court warrants no interference as there was sufficient material on record to summon the petitioner. It has been submitted that the allegations levelled in the complaint stood duly substantiated by both the inquiry report of the BDPO (Annexure P-4) as well as report under Section 202 Cr.P.C. Learned counsel has still further submitted that affidavits of Mukesh son of Prahlad, Parmila and Mangni Ram have also been placed on record to the effect that they too had worked under NAREGA scheme, however, had not been paid any amount by the accused. It has further been submitted that from the testimonies of PW-1 complainant, PW-2 Raj Pal and PW-3 Lal Chand coupled with documentary evidence on record, a *prime facie* case is clearly made out against the petitioner and thus, the Revisional Court had rightly summoned the present petitioner.

4. Heard learned counsel for the parties and perused the relevant material on record.

5. A perusal of the impugned order as well as material on record *prima facie* reveals that there is sufficient material on record to proceed against the accused. This Court therefore, concurs with the Ld. Revisional Court that at the time of summoning only a *prima facie* case is to be seen. Furthermore, the inquiry report coupled with the testimonies of PW-1, PW-2 and PW-3 are sufficient to summon the petitioner.

6. As a sequel to the above, the present petition being devoid of any merit stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

23.11.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No