

201 (Second case)**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-42019 of 2015 (O&M)
DATE OF DECISION: 20.07.2023****Nawal Kishore @ Sodhi****...Petitioner****Versus****State of Punjab and another****...Respondents****CORAM : HON'BLE MR. JUSTICE ARUN MONGA**

Present : Mr. Pandit Vinod Sharma, Advocate and
Mr. Dharmanshu Sharma, Advocate,
For the petitioner.

Mr. Virat Rana, AAG, Punjab.

Ms. Bhavna Kapur, Advocate and
Mr. Nitin Gupta, Advocate
For respondent No.2.

ARUN MONGA, J. (ORAL)

Petitioner seeks quashing of FIR No.192 dated 20.07.2013 (Annexure P-1) registered under Sections 406, 420 of Indian Penal Code (hereinafter referred to as "IPC") (Section 120-B IPC added later), at Police Station Phillaur, District Jalandhar, investigation whereof has been transferred to Police Station NRI, Jalandhar City.

2. Per FIR, complainant Karam Singh moved a complaint to Chairman, NRI, Punjab, to the effect that he along with his family was residing in England from the last 50 years. Baljinder Singh Gill was taking care of his properties in India, who in connivance with others committed fraud with him. They got executed sale deeds of his properties worth crores of rupees on the basis of power of attorney given by him in favour of Baljinder Singh Gill.

3. Learned counsel for the petitioner contends that petitioner is 70-year old and has been falsely implicated in the case. Petitioner was merely a witness to the agreement executed between Makhan Singh and complainant with regard to exchange of properties worth Rs.86 lakh. Complainant gave cheque amounting to Rs.2,50,000/- and agreed to pay the balance amount by 30.08.2012. The said cheque was dishonoured and complainant having failed to pay the balance sale consideration, registration of sale deed was cancelled. He further contends that it not the case of prosecution or complainant that the agreement was a forged one. He further contends that Sanjeev Kumar, another witness to said agreement, has not been made accused for the reasons best known and police has adopted policy of pick and choose.

3.1 Learned counsel would further argue that challan has already been presented. However, charges are yet to be framed. The dispute is entirely civil in nature.

4. On the other hand, learned State counsel, assisted by learned counsel for complainant, opposes the petition. He, on instructions from ASI Bhupinder Singh, submits that complicity of petitioner in the commission of the offences is well constituted from the allegations in the FIR and he has been rightly prosecuted. Moreover, learned Court below is already seized of the matter and trial has commenced.

4.1. Learned counsel for respondent No.2 further contends that petitioner, in connivance with his co-accused, hatched a conspiracy and committed cheating and fraud with complainant. Moreover, petitioner is at liberty to take up the pleas sought to have raised by him by way of present petition during the course of trial. No ground for quashing the FIR is made out.

5. Arguments heard.

6. Taking into consideration the totality of circumstances, without commenting on merits of the case, instant petition is disposed of with an

observation that petitioner be not called to Court until or unless his cross-examination is to be done/conducted.

7. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on merits of the case as the same are for the limited purpose of hearing the instant petition alone and learned trial Court shall proceed without being influenced with this order.

8. Pending application(s), if any, shall also stand disposed of.

JULY 20, 2023
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No