

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-49256 of 2018
DATE OF DECISION :- 05.10.2023**

Sukhwinder Rani and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Abhishek Sharma, Advocate for the petitioners.

Mr. Kunal Vinayak, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

In compliance of the order dated 20.9.2023 report from the concerned quarter has been received to the following effect :-

“With reference to the subject captioned above, it is respectfully submitted that the case titled as Baljeet Singh Vs. Sukhwinder Rani and Ors. is pending in the court of undersigned. The said case has been filed by the court of Ms. Ekta, the then Ld. JMIC, Ludhiana through Reader Baljeet Singh against Sukhwinder Rani, Renu, Krishan Lal and Neelam Rani under Section 177, 181, 199, 200 and 415 of IPC while adverting to the provisions enshrined under Section 340 Cr.P.C. read with Section 195 Cr.PC. The said complaint was filed on 07.08.2018 in the Court of Ld. CJM, Ludhiana and was entrusted to the Court of Sh. Prateek Gupta, the then Ld. JMIC, Ludhiana (Predecessor of this court) on 17.08.2018. The charge i.. the present case stands framed against Sukhwinder Rani and Renu Rani on 06.09.2019 after declaring Krishan Lal and Neelam Rani as proclaimed offenders. In the abovesaid case three witnesses of prosecution have been examined out of which the testimony of PW-3 stands recorded

partly. It is accordingly respectfully submitted that the abovesaid case is pending for prosecution witnesses, subject to last opportunity and final and is fixed for 18.10.2023.

Report submitted please for further necessary action.”

2. The petitioners pray for quashing of the complaint bearing No. CRM/61545/18, dated 7.8.2018 titled as “Baljeet Singh Versus Sukhwinder Rani and others” along with the summoning order dated 17.8.2018 whereby the petitioners were summoned to face trial.

3. Complaint was lodged under Section 340 read with Section 195 Cr.P.C. by Reader to the Court of JMIC, Ludhiana alleging as under :-

“xx xx xx in FIR No. 311 dated 20.11.2014 under Section 420, 448, 120-B of IPC, PS Basti Jodhewal, Ludhiana, when accused were admitted to bail, they submitted fake surety bonds. In the year 2015, one Krishan Lal son of Arjun Dass stood surety for accused Sukhwinder Rani and submitted copy of sale deed of property in his name situated in Khasra No. 1661, Khata No. 994/1243-1244, Village Gill-II, Tehsil and District Ludhiana. But he had already sold the said property to Malkiat Singh son of Kartar Singh R/o 1974, Abdulapur Basti, Ludhiana vide sale deed dated 20.11.2005 registered on 28.11.2005 bearing Wasika no. 18898. Similarly, Neelam Rani D/o Chaman Lal stood surety for accused Renu Rani and produced copy of sale deed dated 04.07.2005 in her name and submitted a false affidavit that the property is free from all sorts of encumbrances and charges, whereas, at that time, property was not free and as per rapat no. 854 dated 06.06.2014, there was an order of auction of District Magistrate, Ludhiana of the abovesaid property for non-payment of Rs. 1,00,000/-. Thus, Sukhwinder Rani and Renu alongwith their sureties Krishan Lal and Neelain played a fraud with the Court by submitting fake documents of their properties. Accordingly, prayer has been made for initiating proceedings against accused Sukhwinder Rani, Renu and their sureties.”

4. Learned counsel for the petitioners submits that even if the allegations levelled in the complaint are taken on their face value the same would not constitute any offence qua the petitioners who were in custody at the relevant point of time and it is sureties namely Krishan Lal and Neelam Rani who can be accused of having played fraud with the Court by submitting fake documents of their properties. It has been submitted that as a natural corollary of the documents having been found to be fake the bail bonds of the petitioners were cancelled and the sureties stood forfeited and subsequent thereto the petitioners were admitted to bail afresh. Reference has been made to the impugned order by which the process stand issued observing as under :-

“On holding an inquiry by this Court, it stands fortified that surety Krishan Lal furnished surety on behalf of accused Sukhwinder Rani in FIR No. 311 dated 20.11.2014 on the basis of sale deed, but the property mentioned in the said sale deed was already sold by Krishan Lal in the year 2005 to one Malkiat Singh vide sale deed Ex. CW3/A. Surety Neelam Rani furnished surety on behalf of accused Renu by giving an affidavit that property is free from all encumbrances, but the said property was not free and as per Jamabandi Ex. C2/A, rapat no. 854 dated 06.06.2014 was there as per which, District Magistrate, Ludhiana had ordered auction of the said property for non-payment of Rs. 1,00,000. Since the surety bonds were furnished for the benefit of accused Sukhwinder Rani and Renu, therefore, a case is made out against them as well. Thus, prima facie case under Sections 177, 181, 199, 200 and 415 of IPC is made out against accused Sukhwinder Rani, Renu, Krishan Lal and Neelam Rani. As per provisions enshrined under Section 340(3)(b) of CrPC, the Reader of this Court namely Baljeet Singh is, hereby, directed to present the complaint under Sections 177, 181, 199, 200 and 415 of IPC against accused Sukhwinder Rani, Renu, Krishan Lal and Neelam Rani before the Court of Learned CJM, Ludhiana.”

5. It has been contended that for offences punishable under Sections 177, 181, 199, 200 and 415 IPC the petitioners ought not have been summoned merely for the reason that the sureties furnished by Krishan Lal and Neelam Rani allured benefit to the petitioners.

6. I have learned counsel for the petitioners and have gone through the records of the case.

7. This Court finds that the allegations levelled in complaint relate to furnishing of the property documents while standing as surety to furnish bail bonds for the petitioner despite the fact that property already stood sold by the sureties. The Court officials were not vigilant enough and accepted the sureties. The petitioners being in custody at the relevant point of time definitely cannot be accused of having created false documents and thus guilty of offences punishable under Sections 177, 181, 199, 200 and 415 IPC.

8. Consequently, the petition is allowed. Complaint bearing No. CRM/61545/18 dated 7.8.2018 titled as “Baljeet Singh Versus Sukhwinder Rani and others” along with the summoning order dated 17.8.2018 are, hereby, quashed qua the petitioners.

(PANKAJ JAIN)
JUDGE

05.10.2023
p.singh

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