

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.325 of 2023 (O&M)
Date of decision: 8th January, 2024

Ravi Ghai

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Sheena Khanna, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

1. The challenge in the instant revision petition is to the order dated 03.09.2022 passed by learned Chief Judicial Magistrate, SBS Nagar vide which charges under Sections 420, 467, 468, 471, 120-B, 177 of the IPC; Section 82 of the Registration Act, 1908 and Sections 47-A, 64 of the Indian Stamp Act have been framed against the petitioner as well as co-accused, in case bearing FIR No.106 dated 17.02.2019 under Sections 420, 467, 468, 471, 120-B IPC registered at Police Station City Nawanshahar, District SBS Nagar.

2. Learned counsel for the petitioner inter alia contends that the impugned order, vide which the Court below framed charges under Sections 420, 467, 468, 471, 120-B, 177 of the IPC; Section 82 of the Registration Act, 1908 and Sections 47-A, 64 of the Indian Stamp Act against the petitioner, is patently flawed. It has been asserted that the

Court below failed to appreciate that there was an apparent absence of the essential elements necessary to constitute an offence under Section 420 of the IPC. Specifically, it has been highlighted that the petitioner was not even a beneficiary of the sale deed in question.

3. While drawing the attention of this Court to the chargesheet annexed with the revision petition, learned counsel has emphasized that the only allegation, if any, levelled against the petitioner was his involvement in drafting the agreement to sell dated 17.04.2008, and being present as a witness during the registration of the sale deed. The learned counsel for the petitioner asserts that the prosecution had utterly failed to demonstrate any fraudulent intent on his part at the time of the execution of the sale deed, thereby negating the commission of an offence under Section 420 of the IPC.

4. It has been further submitted that at the relevant time, the petitioner was working as an Assistant to one Surinder Kumar, a Deed Writer; the agreement in question had been drafted by the petitioner under the instructions of aforementioned Surinder Kumar. Additionally, it has been further submitted that the petitioner had appeared as a witness only to identify the parties involved. Given the aforementioned facts and circumstances, it has been argued that there was no valid justification to subject the petitioner to trial under Section 420 of the IPC, more so, since there were no allegations levelled in the FIR in question of any

inducement against him, nor had the investigating agency gathered any other evidence, much less cogent, to link him to the alleged offences.

5. I have heard learned counsel for the petitioner and perused the relevant material on record.

6. This Court does not find any error, much less any illegality in the impugned order. While framing charges, the sole consideration of the Court is as to whether the allegations levelled in the FIR/complaint, as the case may be, invite the mischief of the offences alleged, for which the accused stands charged. At this preliminary stage, the Court, relying upon the evidence and other material presented in the challan by the investigating agency, is not to carry out any exhaustive investigation into the veracity of the allegations levelled against the accused.

7. In the present case, the evidence gathered during investigation by the investigating agency suggests that the petitioner purportedly colluded with the other co-accused. All the accused, including the petitioner, allegedly orchestrated the sale of a property before the Sub Registrar, falsely misrepresenting it as residential despite being fully aware of its commercial nature. This action ostensibly led to the evasion of stamp duty and resulted in losses to the State Exchequer.

8. As a sequel to the above, no ground is made out to accept the prayer of the petitioner. The revision petition as well as the application seeking condonation of delay in filing the revision, are dismissed.

9. 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

January 8, 2024
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No