

2024:PHHC:028742

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-8424-2024 (O&M)
Date of Decision:-29.2.2024

Baljinder Singh ... Petitioner

Versus

State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Munish Gupta, Advocate for the petitioner.

Mr. Gauravdeep Singh Dhaliwal, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner assails order dated 16.11.2023 (Annexure P-13) passed by learned Additional Sessions Judge, Mohali, whereby a revision petition filed by the petitioner assailing order dated 31.3.2023 passed by learned Judicial Magistrate 1st Clas, Mohali framing charges against the petitioner for offences under Sections 420 and 120-B of Indian Penal Code, has been dismissed.
2. The allegations, in nutshell, are that one FIR i.e. FIR No.260, dated 21.10.2018 under Sections 420 and 120-B of Indian Penal Code (Annexure P-1) was lodged at Police Station Sohana, District Mohali at the instance of Harbinder Kaur, wherein she alleged that she had purchased land measuring 11 Bighas and 5 Biswas from petitioner's father namely Dharam Singh in the year 2008 and that subsequently when some compensation was to be

paid in respect of the same, the same was pocketed by petitioner's father on the strength of some incorrect enteries in the revenue record, wherein a part of the land, which had infact been sold, was still reflected to be in the ownership of petitioner's father.

3. Learned counsel for the petitioner submitted that the petitioner had no role to play in the alleged fraud and that he has been implicated solely on the premises that he happened to be a witness to the sale-deed executed in the year 2008. Learned counsel submitted that it is a case where the sale-deed in question had been executed in the year 2008 and it was subsequently in the year 2011 that acquisition proceedings were initiated pursuant to issuance of notification under Section 4 of Land Acquisition Act and it was ultimately in the year 2013 that compensation was released, a part of which is alleged to have been credited to the bank account of petitioner's father.
4. Learned counsel for the petitioner further submitted that since the acquisition proceedings were initiated much after the execution of sale-deed on which the petitioner had affixed his signatures as attesting witness in the year 2008, the petitioner cannot be imputed any knowledge or any intention with regard to the alleged fraud as he could not have possibly visualized at that stage in the year 2008 that the land in question is going to be subsequently acquired much less anything as regards pocketing the compensation in case it was to be released in the name of his father.
5. Learned counsel for the petitioner, however, fairly stated that since the trial is already underway and some of the witnesses have already been examined, he shall restrict his prayer at this stage to issuance of a direction to the Trial Court to expedite the conclusion of trial.

6. Having regard to the limited prayer being made at this stage, the instant petition is disposed of with a direction to the Trial Court concerned to take all necessary steps for expeditious conclusion of trial preferably within a period of 6 months.
7. The Trial Court shall frame a schedule in advance for summoning the witnesses and shall monitor the service of notices/summons upon the witnesses. The prosecution shall ensure the presence of all the PWs on the dates as may be fixed by the Trial Court for recording their statements.
8. Needless to mention, the Trial Court while disposing of the matter shall duly consider all such contentions as may be raised by the petitioner including the contentions as have been raised herein and also noticed above.

29.2.2024
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(Gurvinder Singh Gill)
Judge

Whether reasoned/speaking

Yes / No

Whether reportable

Yes / No