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

**CRR-1262-2024 (O&M)**

Decided on: 30.09.2024

Lakhwinder Singh

..... Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Rahul Arora, Advocate, for the petitioner.

**Rajesh Bhardwaj, J.**

1. The petitioner has approached this Court impugning the order dated 11.10.2023 passed by learned Additional Sessions Judge, Ferozepur, vide which, respondents No.2 and 3, namely, Kapil Dhawan and Rajinder Kumar, have been discharged. Alongwith the revision petition, an application for condonation of delay of 167 days has also been filed.

2. As per facts of the case, on the statement of the petitioner, namely, Lakhwinder Singh, FIR No.125 dated 11.08.2020 under Sections 306/420/120-B IPC was registered. The allegations were made by the petitioner that he had four children i.e. three daughters and one son, who all were married. His son Chamkaur Singh was of the age of 34 years. In the year 2018, his son sold his land measuring 05 acres and wanted to purchase further more land. One Sucha Singh got them introduced with Ravinder Kumar @ Cheena, Kunal Dhawan @ Laloo, Kapil Dhawan, and Rajinder Kumar. They told them that there is a hefty earning in the business of rice mill and he could take 50% partnership in the mill. Son of the complainant fell in their trap and gave a sum of Rs.60 lacs on different dates. However,



lateron they found themselves cheated and his son Chamkuar Singh started remaining depressed as he lost his land as well as money. On account of the same, his son committed suicide by consuming pesticide. The FIR was lodged and the investigation commenced and the challan was presented by the Investigating Agency. Learned trial Court finding no allegations against respondents No.2 and 3, namely, Kapil Dhawan and Rajinder Kumar, discharged both of them and charge-sheeted other three accused i.e. Varinder Kumar @ China (respondent No.4), Kunal Dhawan @ Shallu (respondent No.5) and Sucha Singh (respondent No.6). Hence, aggrieved by the discharge of respondents No.2 and 3, the petitioner has approached this Court by way of filing the present revision petition.

3. It has been submitted by learned counsel for the petitioner that learned trial Court has illegally discharged respondents No.2 and 3. He has submitted that the petitioner has levelled specific allegations against respondents No.2 and 3, who in conspiracy with co-accused respondents No.4 to 6 had cheated his deceased son with an amount of Rs.60 lacs. He submits that all the accused in conspiracy with each other induced his son to deliver an amount of Rs.60 lacs for the purpose of having partnership in rice mill and to clear the loan, but all the accused persons neither cleared the loan of rice mill nor returned the amount to the complainant and his deceased son. He has submitted that on completion of the investigation, challan was presented against all the accused and thus, it is evident that the allegations made against all the accused including respondents No.2 and 3 were duly substantiated. However, learned trial Court failed to appreciate the same and thus, illegally discharged respondents No.2 and 3. He has



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submitted that the challan against both respondents No.2 and 3 was presented alongwith statements under Sections 161 Cr.P.C. and other material collected by the Investigating Agency. He submits that a strong *prima facie* case was made out against all the accused including respondents No.2 and 3, but learned trial Court has miserably failed to appreciate the same and thus, has passed the impugned order dated 11.10.2023 discharging respondents No.2 and 3, which is totally unsustainable in the eyes of law and deserves to be set aside.

4. Heard.

5. On hearing learned counsel for the petitioner and perusing the record, it is deciphered that the petitioner is the author of the FIR on whose statement the FIR was lodged. There is no doubt that the allegations were made by the petitioner against all the accused including respondent No.2 and 3. On investigation, challan was also presented against five of the accused. However, learned trial Court while framing the charges, scrutinized the record produced by the Investigating Agency. Besides the oral allegations made, the Investigating Agency produced the suicide note of the deceased Chamkaur Singh. This suicide note allegedly written by the deceased contained the allegations against accused Varinder Kumar @ Ravinder Kumar @ China, Kunal Dhawan @ Shallu and Sucha Singh. However, the deceased made no allegations against respondents No.2 and 3. The deceased thus himself had not attributed any role to respondents No.2 and 3 for the alleged instigation for committing suicide by him. Needless to say that at the time of framing of charges, learned trial Court scrutinized the material collected by the Investigating Agency to decide whether any *prima*



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*facie* case is made out on the basis of the same to proceed against the accused. There being no *prima facie* case having not been made out against respondents No.2 and 3 both of them were discharged and cognizance was taken by learned trial Court qua rest of the three accused. This Court on the re-appreciation of the material on record finds no infirmity in the impugned order passed by learned trial Court. Even there is unexplained delay of 167 days in filing the present revision petition, thus, the present petition is hereby dismissed on the ground of delay as well as on merit.

30.09.2024  
sharmila

Whether Speaking/Reasoned  
Whether Reportable

(RAJESH BHARDWAJ)  
JUDGE

: Yes/No  
: Yes/No