



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

CRR No.2163 of 2024 (O&M)
Date of decision: 9th December, 2024

Vinod Kumar

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Naveen Bawa, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

CRM No.43512 of 2024

The instant application has been filed for condonation of delay of 159 days in filing the revision.

In the light of averments made in the application and in the interest of justice, the same is allowed and delay in filing the revision is condoned.

CRR No.2163 of 2024

1. The petitioner has challenged order dated 22.02.2024 passed by learned Judicial Magistrate 1st Class, Ludhiana vide which the application for his discharge in FIR No.13 dated 12.03.2021 under Sections 419, 420, 465, 467, 468, 471, 120-B of the IPC registered at Police Station NRI Cell, District Ludhiana has been dismissed.

2. Learned counsel for the petitioner has strenuously argued that the learned Trial Court has committed a grave error in dismissing the application filed by the petitioner for his discharge in the FIR in question, without appreciating the evidence in its proper perspective. Drawing the attention of this Court to the allegations detailed in the FIR (Annexure P-1), it is submitted that the petitioner allegedly in connivance with other co-accused, fabricated a forged and fictitious power of attorney dated 03.04.2006 in the name of the father of the complainant, Labh Singh, who had passed away in the United Kingdom on 08.01.1999. Based on this forged document, the petitioner purportedly impersonated Labh Singh's attorney and sold his property to a co-accused, Komal Arora.

3. Learned counsel has further contended that the petitioner is, in fact a bona fide purchaser of the property, having paid valuable consideration for it. It is argued that the petitioner has been falsely implicated by the complainant. As per the learned counsel, the petitioner was introduced to Labh Singh by the caretaker of the property, Des Raj Singh, and acted in good faith, relying on the caretaker's representation, which he believed to be genuine.

4. It is also submitted that the learned Trial Court failed to evaluate the facts and evidence in the proper context and passed the impugned order without due application of judicial mind. Learned counsel has emphasized that there is no credible evidence to substantiate

the allegations against the petitioner, and the Investigating Agency has not been able to bring forth any culpability on the part of the petitioner.

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

6. The powers conferred upon this Court under Section 482 Cr.P.C./528 of BNSS are intended to prevent the abuse of the process of law and to secure the ends of justice. However, these powers must be exercised sparingly and with great caution, particularly at the preliminary stages of a criminal proceedings. It is well settled that at the stage of framing of charges, or evaluating an application of an accused for his discharge in a criminal case, the Court is not to conduct a meticulous analysis of the evidence or assess its veracity. Instead, the role of the Court is to determine whether the material on record prima facie discloses the commission of a cognizable offence.

7. The law relating to the quashing of charges is unambiguous. The discharge of an accused in a criminal case is an exception rather than the norm. Unless it is patently clear that the allegations in the FIR or chargesheet, even if taken at their face value, do not disclose the commission of any offence, the prosecution must generally be allowed to proceed. At this stage, the Court is not required to delve into the probative value of evidence or consider the defences raised by the accused, as such issues are to be tested and adjudicated upon during the trial.

8. The Hon'ble Supreme Court has also repeatedly held in a plethora of judgments that at the stage of framing of charges, the duty of the Court is limited to a preliminary assessment of the material to see if it outlines a prima facie case. A detailed evaluation of the merits of the evidence collected by the Investigating Agency in the chargesheet, reliability, or admissibility is beyond the scope of this Court at this juncture.

9. Having heard the arguments of learned counsel and perused the material on record, it is evident that the petitioner has raised disputed questions of fact. Whether the petitioner acted in good faith as a bona fide purchaser of the property or was complicit in the alleged forgery and fraudulent sale of the property, are matters that require detailed examination during the trial. These issues cannot be decided by this Court in the exercise of its inherent jurisdiction under Section 482 Cr.P.C.

10. Furthermore, the allegations in the FIR and the evidence on record cannot be out-rightly dismissed as baseless or fabricated at this preliminary stage. The defence of the petitioner, including his claims of good faith and lack of complicity, are matters that can only be tested during cross examination and after the parties have led their respective evidence before the Trial Court.

11. In the light of the above, this Court finds no merit in the submissions made by the learned counsel for the petitioner and no

ground is, therefore, made out which would warrant setting aside the impugned order.

12. The revision petition stands dismissed. 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. The petitioner is at liberty to raise all his defences during the trial.

(MANJARI NEHRU KAUL)
JUDGE

December 9, 2024
rps

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