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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64582-2023
Date of decision : 02.05.2024

PARVEEN KUMARPetitioner

Versus

STATE OF HARYANA AND ANR ...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Bhisham Kumar, Advocate
for the petitioner.

Mr. R.K. Ambavta, AAG, Haryana.

Mr. Vishal Singh, Advocate
for respondent No.2.

PANKAJ JAIN, J. (ORAL)

Present petition has been filed under Section 482 Cr.P.C.
assailing the order dated 19th of September, 2023 passed by Additional
Sessions Judge, Karnal whereby revision petition preferred by the
respondent against the order dated 01.05.2019 stands allowed.

2. The effect of the order passed by the revisional Court is that the
summoning of the private respondents was set aside and complaint *qua* them
was dismissed.

3. Counsel for respondent No.2 has produced copy of the
judgment dated 16th of February, 2024 passed by SDJM, Assandh to submit
that *qua* other accused(s) who faced trial pursuant to the said summoning

order, the complaint now stands dismissed after trial and the reasons recorded by the Trial Court are as under :

38. xxx The best evidence i.e. the original sale deed, the attesting witnesses have been withheld by the complainant for reasons best known to him.

39. xxxx The money was not given by complainant to accused Baljinder. Meaning thereby, at the time of agreement to sell the complainant entrusted the amount of money to Tajinder and Bhupender and not accused Baljinder. As far as execution and registration of sale deed is concerned, as already mentioned before there contradictions in the contents of sale deed itself as well as there one contradictions in the testimony of complainant as well as contents of sale deed with respect to amount of money which was given at the time of registration of sale deed. Further more, the complainant has failed to establish the identity of accused Baljinder as one of the seller who were present for execution and registration of sale deed. When the identity of the accused itself in doubt the fact that any money was received by accused Baljinder from complainant has not been proved on record. Thus, the complainant has failed to prove that any money was entrusted by him to accused Baljinder and thus failed to prove its case under section 406 IPC.

40. As far as the allegations of criminal intimidation under section 506 IPC are concerned, the allegations are that accused Rajesh threatened the complainant to kill. All the three complainant witnesses have deposed with respect to the criminal intimidation only against accused Rajesh against which the complaint has already been dismissed vide order dated 9.9.2023 passed by Sh. Anil Kumar, Ld. Additional Sessions Judge, Karnal. As there is no allegation of criminal intimidation against accused Baljinder, no case is made out under section 506 IPC against him. Once, the offences alleged against the accused are not proved on record beyond all reasonable doubts, the offence of conspiracy to commit the said offences has also not been proved.

4. In view thereof this Court does not find any ground to entertain the present petition. The same is dismissed.

May 02, 2024		(Pankaj Jain)
Dpr		Judge
	Whether speaking/reasoned	: Yes/No
	Whether reportable	: Yes/No