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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.REV.P. 1292/2024 & CRL.M.A. 34295/2024**

**SACHIN GOYAL**

.....Petitioner

Through: Mr. Prashant Diwan, Mr.  
Brajesh Dwivedi & Mr.  
Siddhant Sehgal,  
Advocates.

versus

**STATE**

.....Respondent

Through: Mr. Manoj Pant, APP for  
the State.  
SI Amit (P.S. NR-I/Crime  
Branch).

**CORAM:**

**HON'BLE MR. JUSTICE AMIT MAHAJAN**

**ORDER**

**23.12.2024**

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1. The present petition is filed being aggrieved by the order dated 18.07.2024, passed by the learned Chief Judicial Magistrate, West, Tis Hazari, Delhi whereby the summons were issued against the petitioner in FIR No.76/2019 dated 29.03.2019 under Sections 420/468/471/120B of the Indian Penal Code, 1860.
2. The FIR was registered pursuant to a complaint against the accused persons in regard to a conspiracy of making forged and fabricated documents in respect to the subject property. The petitioner was not named as a suspect/accused by the complainant.
3. It was alleged by the complainant that the accused persons are land grabbers and have conspired against the complainant to grab his property.



4. The petitioner is the brother-in-law of the son of one of the accused persons. In regard to the petitioner, it was mentioned in the chargesheet that he had signed an indemnity bond, prepared by accused persons. The police in the chargesheet also mentioned that from the investigation, no monetary benefit to the petitioner has been found and there is no evidence that he was a part of the overall conspiracy of the offence.

5. By impugned order, the learned Trial Court issued summons against the petitioner simply noting as under:

*“Issue summons to accused mentioned in column No.11 and 12 of charge-sheet as there are specific allegations against the accused mentioned in column No.12 to be served through IO/SHO concerned for NDOH.*

*Let accused be summoned through IO concerned for NDOH. IO concerned be also summoned for 08.10 024.”*

6. Perusal of the chargesheet, *prima facie*, at this stage, indicates that no specific allegations have been made against the petitioner. The order summoning the petitioner, thus, appears to be *ex facie* without application of mind.

7. Undoubtedly, if the Court is of the opinion that some accused persons who are not sent for trial are to be summoned, summons can be issued to them. However, once it is specifically mentioned by the investigating agency in the chargesheet, that nothing has come on record so as to implicate the suspect and that no evidence has been found against him, the learned Trial Court ought to be more circumspect and needs to give specific reasons for summoning the suspect.

8. The learned Trial Court is within its power to disagree with the final report and take a view on the facts of each case.



However, some reasons ought to be mentioned before a suspect is put to trial. It must reflect the application of mind which is found missing in the impugned order.

9. In view of the above, the present petition is allowed and the order summoning the petitioner, dated 18.07.2024, is set aside.

10. The learned Trial Court is directed to pass a fresh order keeping in view the aforesaid observations.

**AMIT MAHAJAN, J**

**DECEMBER 23, 2024**

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