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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-3091-2025**Date of Decision: **28.01.2025**

Arvinder Singh Bains

...Petitioner

Versus

Paramjit Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Baltej Singh Sidhu, Sr. Advocate with
Mr. Chandan Singh, Advocate and
Mr. Jashandeep Sidhu, Advocate
for the petitioner.

SANJAY VASHISTH, J. (ORAL)

1. Instant petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of complaint bearing No.CHI/38/2019 dated 09.04.2019 titled as Paramjit Singh Vs. Harinder Kaur and others (Annexure P-1) pending in the Court of Ld. JMIC, Garhshankar and summoning order dated 26.05.2023 (Annexure P-2) vide which the petitioner and others were ordered to be summoned for commission of offence under Sections 465/467/468/471 read with Section 120-B of IPC. The petitioner has also assailed the order dated 07.12.2024 (Annexure P-3) whereby an application filed by him under Section 245 Cr.PC for his discharge, has been dismissed.

2. Learned Senior counsel for the petitioner *inter alia* contends that before filing of the impugned criminal complaint, respondent No.1 (Paramjit Singh) had moved three complaints to the police and in all those complaints

neither name of the petitioner was mentioned alleging anything nor any specific role was assigned to him.

3. Learned Senior counsel submits that to find out the truth whether petitioner is involved there in any manner, had there been any inquiry/investigation got conducted by the Ld. Magistrate under Section 202 Cr.PC, it would have come on record that in similar allegations name of the petitioner or role is not assigned by the complainant in any manner. Therefore, no order for any inquiry under Section 202 Cr.PC before passing the impugned summoning order, has caused grave prejudice to the petitioner, as unnecessarily he will have to face the agony of a lengthy trial, despite there being no connection with the incident, because the real dispute is between the complainant Paramjit Singh and his wife Harinder Kaur.

4. While noticing the submissions of the learned Senior Counsel, this Court finds that summoning Court has already recorded the preliminary evidence and for examining the sustainability of the complaint and the impugned orders, the evidence is required to be gone into, which in fact at the first instance can be done by the Court of Sessions in its revisional jurisdiction.

The summoned accused has not filed any revision petition, therefore, the present revision petition is ***disposed of*** with liberty to raise all pleas which has been raised through the present petition and has been addressed before this Court also before the revisional Court, if he is advised to file any revision petition within a period of 15 days from today.

In case, the petitioner files any revision petition before the Court of Sessions within next 15 days from today, same would be decided within the period of next 03 months by considering all the submissions which are to be addressed by the petitioner and prayer for stay of the proceedings would also

be considered.

No need to mention here that the revision petition would be decided on merits after examining the record and hearing of the submission *dehors* the limitation period, if any, involved.

28.01.2025
Parveen kumar

(SANJAY VASHISTH)
JUDGE

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