

2025:PHHC:013177



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRR-1279-2009(O&M)

Date of Decision:-29.01.2025

Mangat Ram.

.....Petitioner.

Vs.

State of Haryana & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. H.S. Randhawa, Advocate for the Petitioner.

Mr. Viney Phogat, Deputy Advocate General, Haryana.

Ms. Neha Bindal, Advocate for

Mr. Satbir Singh Gill, Advocate for respondent nos.2 & 3.

JASJIT SINGH BEDI, J.(ORAL)

The present revision petition has been preferred against the order dated 10.12.2008 passed by Additional Sessions Judge, Sirsa whereby the order dated 25.04.2008 passed by the Chief Judicial Magistrate, Sirsa framing charges against the respondents/accused has been set aside.

2. The brief facts of the case as emanating from the FIR are that petitioner/complainant-Mangat Ram was pursuing multiple litigations both civil and criminal against his brothers. Respondent no.3-Hamira had been employed as an accountant by the brothers of the petitioner/complainant and, through him the brothers of the complainant used to fight with him. In one such incident, both the parties were challaned under Section 107/151 CrPC.

In bail bonds presented by the respondent no.3-Hamira he represented him as Mukesh son of Sohan Lal and his surety namely Sanjay Kumar-respondent no.2 son of Ganeshi Lal signed the same thereby committing the offence in question.

3. Upon the application of the complainant/petitioner FIR No.203 dated 22.07.2008 under Sections 417, 419, 420, 506, 120-B IPC P.S. Ellenabad was lodged against the respondent no.3 with the allegations that he was a Pakistani resident and had been intentionally employed by the brothers of the complainant/petitioner in order to harass him.

4. On conclusion of the investigation and consideration of the material on record, the Chief Judicial Magistrate, Sirsa framed charges under Sections 417, 419, 420 and 506 IPC vide order dated 25.04.2008.

5. The aforementioned order was challenged by the respondent nos.2 & 3 and the same was set aside vide order dated 10.12.2008 which is under challenge in the present petition at the instance of the complainant/petitioner.

6. The Amicus Curiae appointed by this Court on behalf of the complainant/petitioner contends that the offence stands established beyond reasonable doubt. The respondent no.3 was impersonating as Mukesh son of Sohna Ram a Pakistani national. Therefore, the impugned order was liable to be set aside and the case proceed in terms of the charges framed by the Court of CJM, Sirsa on 25.04.2008.

7. The Counsel for the respondent nos.2 & 3 on the other hand contends that a perusal of the arrest/court surrender form and the bail application of the respondent no.3 would show that the respondent no.3 calls him Hamira Ram @ Mukesh son of Sohna Ram and Hamira Ram @ Mukesh Kumar son of Sh. Sohna Ram @ Sohan Lal. As per the arrest/court

surrender form, he has disclosed his nationality as Pakistani. Therefore, it is not a case of impersonation and the impugned order discharging respondent no.2 & 3 had been passed after due consideration of the material on record. He, therefore, contends that the present petition was liable to be dismissed.

8. The Counsel for the State has supported the case of the complainant/petitioner stating that the offence stands established beyond reasonable doubt and, therefore, the present revision petition ought to be accepted and the impugned order dated 10.12.2008 be set aside.

9. I have heard Counsel for the parties and examined the record.

10. A perusal of the arrest/court surrender form would show that the name of the arrested person is Hamira Ram @ Mukesh son of Sohna Ram, nationality Pakistani. The bail application of the respondent no.3 names him as Hamira Ram @ Mukesh son of Sohna Ram @ Sohna Lal. There is absolutely nothing to suggest that the respondent no.3 had impersonated anyone as from the very inception he had given his alternative name along with alternative parentage.

11. In view of the aforementioned discussion, I find no infirmity in the impugned order dated 10.12.2008 passed by Additional Sessions Judge, Sirsa and the present revision petition stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

January 29, 2025
Vinay

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