

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

2025:PHHC:052736



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**CRM-M-21111-2025 (O&M)
Date of Decision: 24.04.2025.**

Mohan Singh

....Petitioner.

Versus

State of Punjab

...Respondents.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

.....

Present: Mr. Ashish Bakshi, Advocate for the petitioner.

SUKHVINDER KAUR, J. (Oral)

Prayer in the instant petition filed under section 528 of BNSS for quashing of impugned order dated 18.12.2024 (Annexure P4), by which the application for summoning the witness has been dismissed by the Court of Judicial Magistrate Ist Class, Ludhiana in FIR No.209 dated 03.09.2017, under Sections 323, 341, 506 IPC, registered at Police Station Meharban, Ludhiana.

2. The relevant facts of the present case for adjudication are that petitioner Mohan Singh got registered FIR No.209 dated 03.09.2017, under Sections 323, 341, 506 IPC, at Police Station Meharban, Ludhiana against Mukhtiar Singh @ Babbu, Sunny Singh, Bobby Singh. Thereafter on the basis of complaint given by accused Mukhtiar Singh, a cross version was registered vide DDR No.9 dated 17.09.2017, under Sections 323, 324, 506, 148, 149 IPC against the petitioner Mohan Singh, Lakhwinder Singh @ Sona, Balvir Kaur, Mohan Singh, Jarnail Singh @ Dial Singh and Simran Kaur @ Paramjit Kaur and now the trial of the said case is pending before

the Court of learned Judicial Magistrate Ist Class, Ludhiana. As per petitioner, the cause of assault was that the accused persons had stopped the drainage water of the petitioner's house. DDPO in its enquiry also stated that the accused persons were obstructing the Panchayat work and were interfering in solving out the problem of drainage, created by the accused. Despite that the petitioner and his family members were made accused in the cross case. During pendency of the trial, the petitioner filed an application to summon the witnesses which were necessary for proper adjudication of the case but the trial Court dismissed the said application vide the impugned order dated 18.12.2024. Thereafter, revision petition was filed before the Court of Additional Sessions Judge, Ludhiana, which was also dismissed vide order dated 02.04.2025, on the ground of maintainability. Hence, the present petition was filed.

3. Learned counsel for the petitioner contended that on 29.08.2017, the accused persons had assaulted the petitioner and his family members when petitioner asked accused Mukhtiar Singh to remove the obstacle from the drainage pipe that had occurred due to throwing out of some waste material by the accused, which spread dirty smell in the house of the petitioner. He further contended that the accused persons made a concocted story that the fight between the parties had taken place due to crossing of tractor trolley in front of house of the petitioner in the street, whereas no such incident had ever taken place and the police officials had changed the story in order to give advantage to the accused persons. He argued that in order to prove their allegations regarding breakage of drainage pipe by the accused persons, the petitioner had moved the application to summon the official witnesses which had been wrongly

dismissed by the Courts below and the said witnesses are relevant and necessary in order to bring true facts on record.

4. Perusal of the impugned order reveals that the petitioner wanted to summon the witnesses as detailed in para No.2 of the impugned order. By way of examining these witnesses, the petitioner wanted to prove the letter issued by DDPO to SHO against accused Mukhtiar Singh, wherein it had been submitted that he had destroyed the drainage pipe. He also wanted to prove letter sent by Balbir Kaur to SDM regarding the breakage of drainage pipe and other various letters issued by different departments. As per copy of judgment dated 13.09.2024, passed by Judicial Magistrate Ist Class, Ludhiana, placed on record, the suit of the petitioner for causing damage by breaking the drainage pipe had been dismissed by holding that the plaintiff failed to prove on record that the alleged pipe was damaged by the defendants/ accused and they had stopped the free flowing of water. So, when specific finding had already been given in the aforesaid civil suit that accused had not stopped free flowing of water by breaking the drainage pipe, then it cannot be said that examination of the aforesaid official witnesses to prove the same was relevant for proper adjudication.

5. In view of the above, the present petition stands dismissed.

(SUKHVINDER KAUR)
JUDGE

24.04.2025

Komal

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