

CRM-M-37661-2025 (O & M) 2025:PHHC:089396



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(145)

CRM-M-37661-2025 (O & M)
Date of decision: 21.07.2025

Pawanpreet Singh @ Pawandeep Singh

..... Petitioner(s)

V/s

State of Punjab and ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Balbir Kumar Saini, Advocate,
for the petitioner.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 528 of BNSS, 2023 is for quashing of the impugned order dated 08.07.2025 (Annexure P-10) passed by the Additional Sessions Judge, Moga vide which the application filed by the petitioner/the respondent No.7 (Annexure P-8) for dismissing the 'Criminal Revision No.52 of 2024 dated 08.08.2024 titled as Gurdev Singh and others versus State of Punjab and others" qua respondent No.2-Gurdev Singh has been dismissed.

2. The brief facts of the case as emanating from the pleadings are that Shamsher Singh, the late father of the petitioner purchased land from one Gurdev Singh son of Ujjagar Singh vide sale deed dated 06.05.2019. The said sale deed was challenged by Gurdev Singh by filing of a Civil Suit dated 27.08.2019 (Annexure P-3). Meanwhile, Gurdev Singh executed a



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Special Power of Attorney in favour of his son Gurpreet Singh to represent him in civil cases only.

3. On the statement of Gurpreet Singh, an FIR No.66 dated 06.06.2019 under Sections 365, 343, 34, 420, 120-B IPC at Police Station Kot Ise Khan came to be registered against Shamsher Singh.

4. Meanwhile, On the basis of a complaint of Sahil Singh and Shamsher Singh, proceedings under Section 145 Cr.P.C. were initiated against Gurdev Singh, his son Gurpreet Singh and five other close relatives. In the said proceedings, the SDM, Dharam Kot vide order dated 14.06.2024 (Annexure P-6) appointed the Naib Tehsildar, Kot Ise Khan as Receiver and directed that the disputed land be taken into possession. The said order was challenged by Gurdev Singh through his Special Power of Attorney- Gurpreet Singh and other family members. In the revision petition filed by Gurdev Singh, Pawanpreet Singh (the present petitioner) son of late Shamsher Singh moved an application (Annexure P-8) seeking dismissal of the revision petition stating that Gurdev Singh had given his Special Power of Attorney only to pursue civil litigation and not criminal cases. The said application came to be dismissed vide order dated 08.07.2025 (Annexure P-10).

5. The aforesaid order (Annexure P-10) is under challenge in the present petition.

6. The learned counsel for the petitioner submits that as per the Special Power of Attorney (Annexure P-4) Gurdev Singh had appointed his son-Gurpreet Singh to pursue civil cases alone and not any criminal case.



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Since proceedings under Section 145 Cr.P.C. were criminal in nature, the revision petition could not be preferred by Gurpreet Singh on the strength of Special Power of Attorney. Even otherwise, there is an *inter se* dispute between Gurdev Singh and Gurpreet Singh. He, thus, contends that the impugned order (Annexure P-10) be set aside and the application (Annexure P-8) be allowed.

7. The learned counsel for the State, on the other hand, contends that the Special Power of Attorney had been issued by a father in favour of his son. The word 'petition' in the Special Power of Attorney covered the terms 'revision petition' also. Regarding the same property in question, civil litigation between the parties is pending and therefore, there is no merit in the present petition and the same is liable to be dismissed.

8. I have heard the learned counsel for the parties.

9. Admittedly, civil proceedings are pending between the parties in respect of the property regarding which the proceedings are also pending under Section 145 Cr.P.C. A perusal of the *kalandra* would reveal that Party No.1 includes Gurdev Singh, Gurpreet Singh and all their close relatives. When the Receiver was appointed, the said order was challenged not only by Gurdev Singh through his Special Power of Attorney Gurpreet Singh but also Gurpreet Singh and his other close family members. Therefore, even if Gurpreet Singh could not file the revision petition on the strength of the Special Power of Attorney, as the order dated 14.06.2024 appointing a Receiver was in respect of Party No.1 which include Gurdev Singh, Gurpreet Singh and their family members each of those persons was



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separately eligible to file the revision petition. Thus, the technical objection raised by the petitioner has little merit as in the revision petition (Annexure P-7) even if Gurpreet Singh ceased to be a petitioner, the Special Power of Attorney being only in respect to civil cases, six petitioners still survive in the petition.

10. In view of the above, I find no merit in the present petition. Therefore, the same stands dismissed.

11. The pending application(s), if any, stands disposed of accordingly.

July 21, 2025
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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