



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

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**CRM-M-49338-2019
Decided on: 27.02.2025**

Hakam Singh**.....Petitioner****Versus****Kashmir Singh and others****.....Respondents****CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: Mr. Vivek Aggarwal, Advocate for the petitioner.

Mr. J.S. Thind, Advocate for the respondents.

SANJAY VASHISTH, J.

1. Present petition has been filed by the petitioner (complainant-Hakam Singh in the complaint case) by challenging the order dated 11.02.2019(P-2), whereby, criminal complaint filed by him for summoning and punishing respondents No. 1 to 4 for committing offence under Sections 363, 386, 392, 411, 414, 419, 420, 506 read with Section 34 of IPC, was dismissed.

The allegations mentioned in the complaint are reproduced herebelow in an extracted form:

“Brief facts of the present complaint are that on 17.11.2012, the complainant had purchased a truck bearing registration No. HR-56-2287 in resale from the accused persons on hire purchase basis which was in the name of accused No. 1 and 2. The complainant made part payment of said truck to the accused persons vide cheque bearing No. 612732 dated 20.11.2012 for a sum of Rs. 1,00,000/- and another cheque bearing No. 612734 dated 21.11.2012 in the sum of Rs. 1,00,000/- and one cheque bearing No. 612736 dated 23.11.2013 in the sum of Rs. 40,000/- to Gurbax Singh accused No. 2 who appended his signatures on the back side of the cheque. The complainant has also deposited installment of Rs. 18,600/-against the said truck in the



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bank against cheque No. 612732 dated 20.11.2012 and Rs. 18,600/- in cash through Sh. Babu Ram, Lambardar, and in this way the complainant has made the part payment of said truck to the accused persons. The said cheques were issued in the name of self but two cheques of Rs. 1,00,000/- were encashed by Kashmir Singh accused No. 1 and another cheque in the sum of Rs. 40,000/- was encashed by Gurbax Singh accused No. 2. The complainant had engaged Sh. Inder Singh son of Sh. Matu Ram, resident of village Hinga Kheri as driver on the said truck. On 06.01.2013, said truck was taken by Inder Singh, driver, to Shahabad (M) to unload the fertilizer on Barara Road in HAFED godowns where all the accused persons namely Kashmir Singh, Gurbax Singh, Gurdip Singh and Sanjiv Kumar came in a car armed with deadly weapons near HAFED godowns and they have snatched the mobile phone of Inder Singh (driver) of the complainant. The accused persons also forced Inder Singh to sit in their car and thereafter the accused persons dropped the driver of the complainant Inder Singh at Pipli. However, the accused persons returned the mobile phone of driver Inder Singh. Inder Singh moved an application in the Police Station Shahabad in this regard on 06.01.2013. An affidavit was also executed by Inder Singh, driver of truck of the complainant, before Executive Magistrate, Thanesar. An enquiry was also got conducted by Economic Cell, Kurukshetra on 15.10.2013 and Kashmir Singh made a statement in writing before the police that he forcibly snatched the truck of the complainant from his driver Inder Singh. The said truck as well as money paid by the complainant is still with the accused persons. The accused persons never issued any demand notice for any alleged amount due against the complainant on any alleged default on the part of the complainant. Babu Ram, Lamberdar who has also participated later on this controversy also executed an affidavit dated 15.03.2013 duly attested by learned Executive Magistrate which also corroborates the fact that accused persons forcibly took the said truck from Inder Singh, Driver, of the complainant. The complainant has moved complaints to police authorities but no action was taken by the police against the accused persons. Thus, all the accused persons have committed the offences under penal code and are liable to be summoned in the present complaint.”

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2. After considering several aspects that the complainant has not produced any document of having purchased the truck in question from the accused persons and also that no registration certificate has been produced, the complaint filed by the petitioner was dismissed, without summoning the accused. Even, learned Revisional Court also maintained the findings recorded by learned Sub Divisional Judicial Magistrate, Shahabad, Kurukshetra (First Court), in its order dated 19.07.2019.

3. By adding to the observations made by the Courts below, this Court has also noticed that driver-Inder Singh, who was engaged by the complainant, was not produced in the witness box, this Court does not find any illegality or perversity in the orders passed by the Court below, therefore, without causing any interference therein, the present petition is hereby dismissed.

(SANJAY VASHISTH)
JUDGE

February 27, 2025

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Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**