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2026:PHHC:086501



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(136)**

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Date of decision: 27.05.2026

Ved Parkash

..... Petitioner

V/s

State of Haryana and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Paramjeet Singh Jammu, Advocate,
for the petitioner.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 528 BNS, 2023 is for the quashing of the order dated 05.03.2025 (Annexure P-1) passed by the Judicial Magistrate Ist Class, Sirsa in FIR No.78 dated 31.05.2017 under Sections 201, 406, 420, 467, 468, 120B IPC registered at Police Station Baragurha, District Sirsa (Annexure P-3) vide which the application filed by the petitioner under Section 319 Cr.P.C. to summon the private respondents/accused has been dismissed as well as the impugned order dated 09.12.2025 (Annexure P-2) passed by the Additional Sessions Judge, Sirsa

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vide which the revision petition against the order dated 05.03.2025 has also been dismissed.

2. The brief facts of the case are that an FIR No.78 dated 31.05.2017 under Sections 201, 406, 420, 467, 468, 120B IPC Police Station Baragurha, District Sirsa (Annexure P-3) came to be registered against 07 accused, namely, Gopi Ram son of Mangla Ram, Supari Devi wife of Gopi Ram, Ramesh son of Gopi Ram, Ram Niwas son of Het Ram, Raj Kumar and Raman both sons of Ram Niwas and Bharat Singh son of Rajender Singh. The relevant extract of the said FIR is as under:-

Sir, Complaint No. 1222-PC Dated 17.5.17, 94-5 D Dated 17.5.2017, given by Ved Parkash son of Sultan resident of Peerkhera Tehsil Rania District Sirsa has been received in the police station through dak. Contents of the complaint are as under: "To the respected superintendent of police, Sirsa. Subject: Application for taking legal action against 1-Gopi Ram son of Mangla Ram son of Mansa Ram, 2-Supari Devi Wife of Gopi Ram son of Mangla Ram, 3-Ramesh Kumar son of Gopi Ram, residents of Village Fatehpuria Niyamat Khan, Tehsil and District Sirsa, 4-Ram Niwas son of Het Ram 5-Raj Kumar 6-Raman sons of Ram Niwas resident of Village Fatehpuria Niyamat Khan, District Sirsa, 7-Bharat Singh son of Rajender son of Khiali Ram, resident of Village Makhosarani, Tehsil Nathusari Chaupta, District Sirsa. Sir, The applicant submits as under: 1.That the applicant is resident of village Peer Khera Tehsil Rania District Sirsa and is a peace loving citizen. 2. That the accused No. 7, Bharat Singh, made an agreement to sell with the applicant for selling the land measuring 37 Kanal 2 Marla situated in Village Fatehpuria Niyamat Khan, District Sirsa and in this

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regard, one agreement was written on dated 14.2.2017, on which, Bhajan Lal son of Prabhu Ram, resident of Fatehpuria Nihyamat Khan, Rajender Son of Sohan Lal, resident of Peer Khera, District Sirsa, Ram Niwas son of Het Ram resident of Fatehpuria Niyamat Khan, District Sirsa and Sukhdev son of Shankar Lal resident of Bhattu Kalan District Fatehabad were as witness. This deal was done @ Rs. 6,80,000/- (Rupees Six Lacs Eighty Thousands) Per Acre and total amount was Rs. 31,53,500/- (Rupees Thirty One Lacs Fifty Three Thousands Three Hundred). In this regard, we made 7 cheques for the payment of Rs. 11.00 Lacs and gave Rs. 25,500/- in cash as token money. Date of registry was fixed as dated 25.5.2017. 3. That the applicant said to the accused No.1 and 2 that Bharat Singh has made agreement to purchase the land with you and he has made the agreement to sell the same land with us and you have to get the registry executed directly in our name on dated 25.5.2017. Then both the accused said that till now, intqal of the land measuring 15 Kanal out of the above said land is pending and after sanctioning the intqal, we will get the registry executed on the fixed date according to the instructions of Bharat Singh. In this way, these accused persons by keeping us in dark, lingered on the matter. 4. That about one week before, the applicant came to know that the above said accused Bharat Singh has made agreement to sell the above said land with some other person named Kuldip son of Manphul resident of village Gudiakhera District Sirsa on dated 12.4.2017 and has also extorted money from him as token money. Copies of both the agreements to sell are enclosed. 5. That when the applicant came to know about this, then the applicant contacted Bharat Singh and asked him and said to him that you have also made agreement to sell with one person Kuldip Singh. Then, he said clearly in a shameful matter that, "Yes, I

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have made deal to sell the above said land further and also extorted money from there like you and where I will say, Gopi ram etc. will get the registry executed. On hearing this, the applicant was shocked very much. 6. That in this way, all the above said accused persons, in connivance with each other, by hatching a conspiracy, have committed cheating of Rs. 11,25,500/- with the applicant and now the accused persons are backing out clearly for getting the registry executed in the name of the applicant and also giving threats that if you will take any action against us in this matter, then we will get you killed and we have approach upto high level and the police cannot cause any harm to us. Therefore, it is prayed to your goodself that case may be registered after strict legal action may be taken against the above said persons and rights of the applicant may kindly be protected and justice be granted to the applicant.. Thanking you very much. Sd/- Ved Parkash Parkash.

3. Based on the investigation conducted, the challan was submitted against Gopi Ram son of Mangla Ram, Bharat Singh son of Rajender Singh, Ram Niwas son of Het Ram and Sukhdev Singh son of Gori Shankar Lal. The accused-respondents No.2 to 5 (hereinafter to be known as 'the proposed accused'), namely, Supari Devi wife of Gopi Ram, Ramesh Kumar son of Gopi Ram, Raj Kumar and Raman both sons of Ram Niwas were exonerated and placed in Column No.II.

4. After the examination of the witnesses, an application was moved under Section 319 Cr.P.C. for summoning the proposed accused i.e. Supari Devi, Ramesh Kumar, Raj Kumar and Raman.

5. The aforesaid application came to be dismissed by the Court of Judicial Magistrate Ist Class, Sirsa vide order dated 05.03.2025 (Annexure P-1).

6. The complainant-petitioner (hereinafter to be known as ‘the petitioner’) challenged the said order (Annexure P-1) before the Court of Additional Sessions Judge, Sirsa, Haryana by way of a Criminal Revision Petition CIS No.CRR-56-2025. The said revision petition came to be dismissed vide judgment dated 09.12.2025 (Annexure P-2). The relevant extract of the judgment (Annexure P-2) passed by the Revisional Court reads as under:-

12. Now adverting to the facts of the case, according to the story of prosecution, the main accused Bharat Singh agreed to buy the land of accused Gopi Ram and respondent no.2 Supari Devi vide agreement dated 04.02.2017 (Mark-B). Thereafter, said Bharat Singh agreed to sell the said land to the complainant vide agreement dated 14.02.2017 (Mark-A), however, said Bharat Singh again agreed to sell the said land to one Kuldeep vide agreement dated 12.04.2017 (Ex.PW5/B). Hence, the complainant has sought action against the accused for cheating him. A perusal of aforesaid agreements to sell i.e. Mark-A and Ex.PW5/B reveals that the signatures of respondents nos. 2 to 5 are not present on the aforesaid agreements in any capacity i.e. either as seller or as attesting witnesses. Further, as per complaint submitted by complainant to the police, no specific allegations have been levelled by complainant against respondent nos. 2 to 5. However, during his evidence the

complainant has alleged that Raj Kumar and Raman alongwith their father Ram Niwas showed him the land and thereafter, they visited house where accused Gopi Ram, his wife Supari Devi and son Ramesh Kumar told him that they had agreed to sell their land with Bharat Singh and the date fixed for execution and registration of sale deed was 25.05.2017. Thereafter, accused Ram Niwas, Gopi Ram and proposed accused Raj Kumar and Raman showed him the property papers and after verifying the same from concerned Patwari, the complainant agreed to buy land from Bharat Singh and after two months, he asked Bharat Singh, Ram Niwas, Raj Kumar and Raman for got registering sale deed but they asked the complainant to wait for some days as mutation was pending, but these facts have been stated by the complainant for the first time in the Court during his evidence and these facts are not mentioned by him in his initial complaint to the police. The complainant has thereby materially improved his version from what he has mentioned in his initial complaint made to the police.

13. The complainant in his evidence before the Court has levelled allegations against proposed accused Raj Kumar and Raman that they showed the land and its papers to the complainant and at that time their father was accompanying them and further when the complainant requested them to get the sale deed registered then they asked him to wait for some days but these facts are not mentioned by complainant in his complaint to the police. Moreover, as per complainant, he also verified the property papers at his own level from concerned Patwari and further he was only asked to wait for some days by

the proposed accused Raj Kumar and Raman. If the said version of complainant is accepted still it do not inspire any confidence regarding the involvement of proposed accused Raj Kumar and Raman in the present case especially when they have not signed any agreement. Further, the complainant in his evidence has levelled allegations against Supari Devi and Ramesh Kumar that they alongwith co-accused Gopi Ram had told the complainant that they had agreed to sell their land to Bharat Singh but the said version of complainant do not prove any involvement of proposed accused Supari Devi and Ramesh Kumar in cheating the complainant. Moreso, they both have also not signed any agreement. Even otherwise, there are no specific allegations against proposed accused Ramesh Kumar. Though the complainant has alleged that the proposed accused alongwith their co accused committed cheating upon him, but from the evidence of complainant, it is not clear asto what specific act (regarding cheating) has been done by respondent nos. 2 to 5 in this case.

14. At this stage perusal of the available record shows that the proposed accused did not sign, in any capacity, the agreement to sell entered into by accused Bharat with complainant or with subsequent buyer Kuldeep, rather it transpires that accused Gopi Ram and respondent no.2 Supari Devi only entered into an agreement to sale dated 04.02.2017 with accused Bharat for selling their land. In the application under Section 319 Cr.P.C., it has been pleaded that during investigation, the police in connivance with accused has wrongly discharged respondents no. 2 to 5 whereas there is sufficient

evidence against them and from the contents of FIR as well as statement of complainant made in the Court, prima facie case is made out against respondent nos. 2 to 5 too, therefore, it has been prayed to summon them to face the trial alongwith other accused but it is settled proposition of law that a Court can not summon a person as an additional accused and pass an order mechanically merely on the ground that some evidence has come on record implicating a person. Even otherwise the complainant has failed to bring on record any evidence regarding the connivance of police with the accused for discharging the proposed accused. The proposed accused cannot be summoned to face trial merely on the basis of the disclosure statement of their co-accused.

15. The facts of the case have to be considered in light of judgments of Hon'ble Apex Court (as discussed above) which requires that at the stage of considering the application under Section 319, in order to summon a person as an additional accused in a case though the test of prima facie case remains the same, but degree of satisfaction under Section 319 Cr.P.C. is much higher than the degree of satisfaction required for summoning at the stage of taking cognizance and issuance of process but in the present case the complainant has failed to bring on record sufficient evidence to indicate the involvement of proposed accused in the offence in question. The complainant was supposed to bring on record more than prima-facie case against the proposed accused but he failed to do so.

16. The police has already investigated the matter in detail on the allegations made by the complainant in his

FIR and the complainant has improved his version in his evidence before the Court regarding the involvement of proposed accused but without any supporting material the evidence of complainant (being self serving) cannot be said to be good enough to summon respondents no.2 to 5 as an accused in this case. In order to invoke the power under Section 319 Cr.P.C. strong and cogent evidence are required to summon a person as an accused and such power cannot be exercised in a casual and cavalier manner. The test that has to be applied is one which is more than prima facie case as exercised at the time of framing of charge, but short of satisfaction to an extent that the evidence, if goes unrebutted, would lead to conviction. In the absence of such satisfaction, the court should refrain from exercising power under Section 319 Cr.P.C. Since the complainant has failed to bring on record any new evidence to justify the summoning of respondents no.2 to 5 as accused in this case, therefore, this court is of view that the test of more than prima facie case to summon a person as an additional accused cannot be said to be fulfilled. Hence this Court is of the view that the learned trial Court has not erred in dismissing the application under Section 319 Cr.P.C. filed by the complainant.

7. The aforementioned order/judgment (Annexures P-1 and P-2 respectively) are under challenge in the present petition.

8. The learned counsel for the petitioner contends that the impugned order and the judgment (Annexure P-1 and P-2 respectively) are based on conjectures and surmises. The proposed accused have been

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specifically named in the FIR. Raman and Sukhdev were not declared innocent when the challan was submitted and their arrest was shown to be pending meaning thereby that a separate challan was to be presented against them. Despite the said fact, they have been specifically exonerated. The disclosure statements of Bharat Singh and Ram Niwas clearly enumerate the role played by Ramesh. The proposed accused have been exonerated without any basis whatsoever. Therefore, the impugned order/judgment (Annexures P-1 and P-2 respectively) are liable to be set aside and the proposed accused be summoned to face Trial as additional accused.

9. I have heard the learned counsel for the petitioner.

10. A perusal of the material on record would reveal that the proposed accused have neither signed the agreement dated 04.12.2017, 14.02.2017 and 12.04.2017 in any capacity either as a seller or as an attesting witness. As per the complaint submitted by the petitioner to the police, no specific allegations have been levelled against the said proposed accused. During the course of the Trial, however, the petitioner has significantly improved his version from that given by him in the FIR. By no stretch of imagination can it be held that there is more than *prima facie* evidence available against the proposed accused. Even otherwise, the findings arrived at by the Revisional Court are based on the evidence available on record and the settled legal position as enumerated in the judgment of '*Hardeep Singh versus State of Punjab 2014(3) SCC 92*'. It

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would not be out of place to mention here that 15 prosecution witnesses also stand examined.

11. Keeping in view the aforementioned discussion, I find no merit in the present petition and the same stands dismissed.

12. The pending application(s), if any, shall stand disposed of accordingly.

May 27, 2026
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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