



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

CRM-M No.45453 of 2022
Reserved on:-24.03.2026
Pronounced on:-06.04.2026
Uploaded on:- 06.04.2026

*Whether only operative part of the judgment is
Pronounced or the full judgment is pronounced: operative part/full judgment*

GURVINDER KAUR

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present :- Mr. Balram Singh
for the petitioner.

Mr. H.S. Wadhwa, DAG, Punjab.

Mr. H.S. Randhawa, Amicus Curiae,
for respondent No.2.

MANDEEP PANNU, J.

1. This is the first petition under Section 482 Cr.P.C. for quashing of FIR No.67 dated 27.03.2018, registered under Sections 406 and 420 IPC at Police Division No.4, Jalandhar, and the impugned summoning order passed under Section 319 Cr.P.C. whereby the petitioner has been summoned as an additional accused. The said summoning order was passed by the learned Judicial Magistrate Ist Class, Jalandhar vide order dated 04.02.2020. The petitioner also seeks quashing of order dated 26.10.2021 passed by the learned Additional Sessions Judge, Jalandhar, affirming the



said summoning order, along-with all consequential proceedings arising therefrom.

2. The present FIR has arisen out of an application moved by complainant Satnam Singh alleging cheating and fraudulent sale of property bearing No. EJ-208, Chahar Bagh, Jalandhar. It is alleged that Gurmeet Singh and his son Jaskirat Singh, in connivance with each other and also involving Gurvinder Kaur wife of Gurmeet Singh, induced the complainant to purchase a portion of a shop (Happy Electronics) for a total consideration of ₹50 lakhs. The complainant paid substantial amount, i.e about ₹23,23,000/- through bank transactions and remaining amount in cash, and was also delivered possession of the shop. It is, further, alleged that despite receiving the entire sale consideration and entering into an agreement to sell, the accused persons, including Gurvinder Kaur wife of Gurmeet Singh, dishonestly failed to execute the sale deed in favour of the complainant. Instead, the property was sold to a third person, namely Anil Sharma, vide sale deed dated 27.12.2016, without the knowledge or consent of the complainant. The complainant, further, alleged that Gurmeet Singh, along-with his son and Gurvinder Kaur wife of Gurmeet Singh, acted in connivance to cheat him and misappropriate the sale consideration. It was also alleged that threats were extended to the complainant when he demanded execution of the sale deed. Upon inquiry conducted by the Economic Offences Wing, Jalandhar, it was found that an agreement to sell had indeed been executed and full payment of ₹50 lakhs had been received by the accused persons, but neither the sale deed was executed in favour of the complainant nor the amount was returned. Consequently, recommendation



was made for registration of FIR under Sections 406 and 420 IPC against Gurmeet Singh and Jaskirat Singh, and the present proceedings also came to be initiated involving Gurvinder Kaur wife of Gurmeet Singh.

3. In the meantime, when the case was fixed for prosecution evidence, an application under Section 319 Cr.P.C. was moved by the prosecution for summoning of Gurvinder Kaur wife of Gurmeet Singh, resident of House No. EJ-208, Chahar Bagh, Jalandhar, as an additional accused. It was contended that during the examination-in-chief of PW-1 Satnam Singh, specific allegations surfaced regarding the role of Gurvinder Kaur wife of Gurmeet Singh in the commission of the offence. It was, further, noticed that though her name figured in the initial complaint, she was not challaned by the investigating agency and was cited as a witness to the agreement to sell. The learned Judicial Magistrate Ist Class, Jalandhar, vide impugned order dated 04.02.2020, allowed the said application under Section 319 Cr.P.C. and ordered summoning of Gurvinder Kaur wife of Gurmeet Singh as an additional accused, holding that her presence was necessary for the just decision of the case.

4. Aggrieved by the above-said order passed by the learned JMIC, the revision petition was filed by the revisionist Gurvinder Kaur, wife of Gurmeet Singh. The revisionist challenged the summoning order primarily on the grounds that the same had been passed without proper application of mind and in the absence of any cogent evidence against her, and that she had not been challaned by the investigating agency after due inquiry.

5. The learned Additional Sessions Judge, Jalandhar, after



considering the submissions and examining the record, upheld the order of the trial Court. It was observed that during the course of trial, particularly in the statement of PW-1 Satnam Singh, specific allegations had surfaced regarding the active role of Gurvinder Kaur, wife of Gurmeet Singh in the commission of the offence. The Court, further, noted that though she was not charge-sheeted and was cited as a witness to the agreement to sell, the evidence on record indicated her involvement, including execution of the sale deed dated 27.12.2016 in favour of a third party in connivance with co-accused.

6. Relying upon settled principles of law laid down by the Hon'ble Supreme Court regarding the scope of Section 319 Cr.P.C., the revisional Court held that a person not named as an accused or not charge-sheeted can be summoned if sufficient evidence emerges during trial. It was held that the trial Court had rightly exercised its jurisdiction under Section 319 Cr.P.C. and had recorded proper satisfaction based on the evidence available on record. Accordingly, the revisional Court found no illegality or infirmity in the impugned order dated 04.02.2020 passed by the learned JMIC and dismissed the revision petition vide order dated 26.10.2021, holding that there were sufficient grounds to proceed against Gurvinder Kaur, wife of Gurmeet Singh as an additional accused.

7. Aggrieved by the afore-said concurrent findings of the Courts below, the present petition has been filed by the petitioner Gurvinder Kaur, wife of Gurmeet Singh.

8. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case and is a law-



abiding citizen. It is argued that although her name finds mention in the FIR, there is only a vague and general allegation against her without any specific role attributed. It is, further, contended that after thorough investigation, the police found no incriminating material against the petitioner and, therefore, did not file challan against her, rather challan was presented only against Gurmeet Singh and Jaskirat Singh. It is, further, submitted that the complainant, while appearing as PW-1, merely reiterated the allegations as contained in the FIR and no new evidence has come on record to justify summoning of the petitioner under Section 319 Cr.P.C. It is argued that the petitioner was only a marginal witness to the agreement to sell and no active role in the alleged offence has been established. It is also contended that the application under Section 319 Cr.P.C. was moved only to pressurize the petitioner and the learned trial Court has summoned her without proper application of mind and without there being sufficient evidence on record. It is specifically argued that the petitioner has been wrongly summoned on the basis of incorrect facts, as she never signed the sale deed dated 27.12.2016 (Ex. PW-1/F). Rather, the said document was signed by another person namely Gurvinder Kaur daughter of Late Sh. Dhian Singh, wife of Bhupinder Singh, resident of BV-517, Fateh Ganj, Ludhiana. It is, thus, contended that the petitioner Gurvinder Kaur wife of Gurmeet Singh is not the same person who has signed the sale deed, and due to similarity in names, she has been falsely implicated in the present case. It is, further, argued that even otherwise, the petitioner is only an attesting witness to the agreement to sell and no material is available on record to show her involvement in any conspiracy or cheating. It is



contended that both the Courts below have failed to appreciate this crucial aspect and have erroneously summoned the petitioner under Section 319 Cr.P.C. without there being sufficient evidence to proceed against her. On these grounds, it is prayed that the impugned summoning order as well as the revisional order are liable to be set aside.

9. On the other hand, the State, assisted by learned counsel Sh. H.S. Randhawa, Advocate, appearing as amicus curiae for respondent No.2, opposed the present petition and argued that there is no illegality or infirmity in the impugned orders passed by the Courts below. It is contended that the learned trial Court has rightly exercised its jurisdiction under Section 319 Cr.P.C. after due application of mind and on the basis of evidence that surfaced during the course of trial. It is, further, argued that during the examination-in-chief of PW-1, specific allegations have come on record regarding the involvement of Gurvinder Kaur wife of Gurmeet Singh in the commission of the offence and, therefore, her summoning as an additional accused was fully justified. It is submitted that merely because the petitioner was not challaned by the police does not preclude the Court from summoning her under Section 319 Cr.P.C., if sufficient evidence appears on record. Learned counsel, further, contended that the learned Additional Sessions Judge has also rightly upheld the order of the trial Court by relying upon settled principles of law, and has recorded a categorical finding that there is sufficient material on record to proceed against the petitioner. It is, thus, argued that both the Courts below have passed well-reasoned and speaking orders, warranting no interference by this Hon'ble Court.



10. This Court, upon a comprehensive consideration of the record, the documents placed on file, and the submissions advanced by the parties, finds that the very foundation of the impugned summoning order is vitiated by a fundamental error with respect to the identity of the petitioner. The material placed on record, particularly the translated copy of the sale deed dated 27.12.2016 (Annexure P-7), clearly reveals that the said document has been executed by one Gurvinder Kaur daughter of Late Sh. Dhian Singh, wife of Bhupinder Singh, who is a legal heir of Late Sh. Dhian Singh and thus, the sister of Gurmeet Singh. In contrast, the present petitioner is Gurvinder Kaur wife of Gurmeet Singh, resident of House No.EJ-208, Chahar Bagh, Jalandhar. The distinction in parentage and marital status leaves no manner of doubt that both individuals are separate and distinct persons, and the mere similarity in names has led to an erroneous assumption on the part of the Courts below that the petitioner is the executant of the sale deed. This Court is, therefore, of the considered view that the petitioner has been wrongly identified and implicated in the present case.

11. Even otherwise, the evidence on record does not disclose any specific or active role attributable to the petitioner in the alleged commission of offence. The investigation conducted by the police culminated in presentation of challan only against Gurmeet Singh and Jaskirat Singh, and the petitioner was not found involved. During trial, the summoning of the petitioner has been based primarily on the statement of PW-1 Satnam Singh, which contains only general and omnibus allegations without detailing any specific act of inducement, entrustment, or



misappropriation on the part of the petitioner. The record further indicates that the petitioner was, at best, a witness to the agreement to sell, and such a role, in the absence of any further incriminating material, cannot be equated with participation in the alleged offences under Sections 406 and 420 IPC. Importantly, the sale deed dated 27.12.2016, which forms the basis of the allegation of cheating, has not been executed by the petitioner but by another individual bearing the same name, thereby further weakening the prosecution case against her.

12. Furthermore, even qua the executant of the sale deed, i.e Gurvinder Kaur daughter of Late Sh. Dhian Singh, her role appears to be confined to execution of the document as a legal heir, and there is no material to suggest that she had any role in inducing the complainant or in receiving any part of the sale consideration so as to establish dishonest intention from the inception. The essential ingredients of the offences alleged are, thus, not *prima-facie* made out against the petitioner. The power under Section 319 Cr.P.C. being extraordinary in nature requires strong and cogent evidence for summoning a person as an additional accused, and the same cannot be exercised on the basis of conjectures or mere repetition of allegations made in the FIR. In the present case, both the learned trial Court and the revisional Court have failed to appreciate the material discrepancies regarding identity and have proceeded to summon the petitioner without there being sufficient evidence on record, thereby rendering the impugned orders unsustainable in law.

13. In view of the aforesaid discussion and findings, the present petition is allowed. The impugned summoning order dated 04.02.2020



passed by the learned Judicial Magistrate Ist Class, Jalandhar, as well as the order dated 26.10.2021 passed by the learned Additional Sessions Judge, Jalandhar, are, hereby, set aside. Consequently, the petitioner Gurvinder Kaur, wife of Gurmeet Singh, is discharged from the present case.

14. Pending applications, if any, also stand disposed of.

06.04.2026
neetu

(MANDEEP PANNU)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No