

State vs. Jiwan Parkash & Ors

Date of Order: 23.3.2016

***IN THE COURT OF MS. PARUL; PCS;
JUDICIAL MAGISTRATE IST CLASS ;MOHALI.***

CIS No. CHI 1537-13

Police Challan no.RT249/ 24.10.11/20.9.12

Date of Order :23.3.16

Pending for: 7.4.16

State

Versus

Jiwan Parkash & Ors.

FIR No. 402/18.10.2008

u/s 419/420/467/468/471/120B IPC

PS Phase 1, Mohali

(Application for discharge of accused)

Present :Sh. Prabhjot Singh Ld. APP for State

Accused Suleman Bhatt discharged vide order dated 29.8.14

Counsel for accused Sahil Gupta

Remaining accused on bail

ORDER

1. Arguments addressed and heard on application filed by accused Amardeep Singh for the purpose of his discharge and learned counsel for the accused has contended that prosecution in its report filed under Section 173 Cr.P.C, has alleged that accused Amardeep Singh has forged the signatures of Surjit Singh on the agreement dated 24.2.2006 as a witness and it has been further alleged that accused/applicant has prepared a false jamabandi of the land of Jai Pal and has withdrawn Rs. 3,000,00/- representing himself as Amarjit Singh and he forged his signatures and it is pertinent to mention here that when the specimen

signatures of accused Amardeep Singh were taken and sent to Forensic Science Laboratory, Chandigarh for comparison then in that regard report of FSL has been received which is on judicial file and as per the said report, signatures and handwriting of accused/applicant is not that of alleged forged signatures and therefore, prima-faice no offence is made out against accused Amardeep Singh and all the allegations levelled against him are false and frivolous for which he deserves to be discharged in the present case.

2. Instant application for discharge of accused has been opposed by learned APP for the State and he has submitted that challan has already been presented against accused Amardeep Singh because there is sufficient evidence on record against him that he has forged the signatures of Surjit Singh on the agreement dated 24.2.2006 and even if the Forensic Science Laboratory, Chandigarh has given its report in favour of accused but it can not be denied that same is corroborative piece of evidence and indulgence of court is required for the for the purpose of deciding the guilt of the accused in the matter and therefore, at this stage, the accused can not be discharged and it is necessary for the court to peruse the entire evidence on record while deciding the guilt of the accused Amardeep Singh. In the end, he has prayed that instant application for discharge of accused Amardeep Singh be dismissed.

3. After hearing learned APP for the State and learned defence counsel, this court has observed that in his application itself, applicant has mentioned that it is the specific case of prosecution that allegations have

been levelled against him that during the investigation of instant case accused Ajit Pal and Jai Pal named accused Amardeep Singh that he has forged the signatures of Surjit Singh on the agreement to sell dated 24.2.2006 as a witness and he has also prepared false Jamabandi of the land of Jaipal and has withdrawn Rs. 3,000,00/- representing himself to be Amarjit Singh and the only ground which has been pressed by the accused for the purpose of discharge is that the report of Forensic Science Laboratory goes in his favour and it says that handwriting of accused doesnot match with the handwriting on the forged document but then in considered opinion of this court, merely on this pretext accused can not be discharged at this stage and it is necessary to peruse the entire evidence on record before deciding the guilt of the accused because otherwise also, prima-facie, there is sufficient material on record which pointed out towards the probability of the guilt of accused and therefore, application under reference stands dismissed. .

Pronounced
23.3.16

(Parul)
Judicial Magistrate Ist Class
Mohali

Present :Sh. Prabhjot Singh Ld. APP for State

Accused Suleman Bhatt discharged vide order dated 29.8.14

Counsel for accused Sahil Gupta

Remaining accused on bail

Personal appearance of accused Sahil Gupta is exempted for today only in view of the facts mentioned in the application.

Arguments heard on application for discharge of accused Amardeep Singh and the same stands dismissed vide my separate detailed order of even date. To come up on 7.4.16 for framing charge. All the accused are directed to appear in person by the next date of hearing.

Pronounced
23.3.16

(Parul)
Judicial Magistrate Ist Class
Mohali