

**IN THE COURT OF DR. PRABHJOT KAUR, PCS
JUDICIAL MAGISTRATE 1ST CLASS, AMRITSAR.**

CHI NO.	701 of 2019
Date of Order	17.07.2023

State **versus** Inder Pal Kapoor

Present: APP for State.
Sh.Gaurav Bamba Advocate on behalf of accused/applicant.

ORDER

1. An application for exemption of accused Inder Pal Kapoor has been moved through counsel. In view of the averments made in the application, the presence of above accused is exempted for today only.

2. This order of mine shall dispose of an application under section 319 Cr. PC filed by APP for the State for summoning of Ashok Kumar Bawa, Balbir Singh Luthra and Avtar Singh Kamboj, all employees of Dena Bank, ow taken over by Bank of Baroda, branch New Shashtri Market, Amritsar as additional co-accused to face the above referred trial alongwith the other accused as per provisions of law for the offences as complained for. It is alleged that the present case has been registered at the instance of complainant Anil Kumar whose examination in chief has been recorded on 25.07.2022. The complainant made allegations in his complaint that the bank officials of Dena Bank, branch New Shastri Market, Amritsar as well as Inder Pal Kapoor have forged and fabricated his signatures on various loan document and undue benefit was given to Inder Pal Kapoor by forging the signatures of applicant/complainant on various blank papers with an intention to play an act of fraud and cheating to the present applicant and during police investigation, Inder Pal Kapoor as well as bank officials guilty for the commission of offences. However at the time of presentation of challan, the police officials had only presented the final report

under section 173 Cr.PC against Inder Pal Kappor while nothing was mentioned against the other accused Ashok Kumar Bawa, Balbir Singh Luthra and Avtar Singh. Now statement of PW1 Anil Kumar as well as PW2 Mohinder Pal, Senior Manager of Bank of Baroda, Kennedy Avenue, branch and PW3 Jugal Kishore have been recorded in this court and sufficient material has come on record to justify summoning all the above named three bank officials to face trial in question as additional accused. On the other hand, no reply to above said application has been filed. However, the learned counsel for the accused orally opposed the present application and prayed for dismissal of application.

3. I have heard both the learned counsel for the parties and have gone through the case file very carefully.

4. Perusal of the file reveals that the criminal law was set into motion on the basis of complaint filed by Anil Kumar who is the complainant in the present FIR. As per allegations made in the complaint, some of the officials of Dena Bank including the Manager of the Dena Bank as well as Inder Pal Kapoor had planned a criminal conspiracy and they have forged the signatures of the complainant on such loan documents. PW1 while appearing in the court has stated that he moved a complaint dated 23.07.2016 Ex.PW1/C to the Commissioner of Police for registration of criminal case against the officials of Dena Bank Branch New Shastri Market, Amritsar as well as Inderpal Kapoor. He further stated that during police investigation, he handed over documents to police which were taken into police possession vide memo Ex.PA. PW2 Mohinder Paul Senior Manager Bank of Baroda, Kennedy Avenue Branch produced on record the bank record and PW3 Jugal Kishore while appearing in the court supported the version of complainant. The Investigating Officer did not keep names of Ashok Kumar Bawa, Balbir Singh Luthra and Avtar Singh as accused in the present case at the time of presentation of challan. Moreover, as

per **Section 319 Cr.PC**, where, in the course of any inquiry into, or trial of, an offence, it appears from the evidence that an person not being the accused has committed any offence for which such person could be tried together with the accused, the Court may proceed against such person for the offence which he appears to have committed.

5. In view of above discussion and evidence on record, sufficient ground is made out to summon all the above named three bank officials to face trial of the present case as an additional accused, Accordingly, the present application under section 319 Cr.PC is hereby allowed and above mentioned persons i.e. Ashok Kumar Bawa, Balbir Singh Luthra and Avtar Singh all bank employees as mentioned in the application are ordered to be summoned as additional accused in the present case for 05.08.2023.

(Dr. Prabhjot Kaur, PCS)
JMIC/17.07.2023
UID No.PB0604

*Hira Lal, Stenographer Gr.II