

State Vs. Charanjit Singh etc.

Present- Mr. Amanpreet Singh, APP for the State.
Accused on bail with counsel Mr. Krishan Sehgal, Adv.
Accused Charanjit Singh discharged vide order dated 02/12/2016.

Arguments on application dated 03/02/2017 filed by the prosecution under Section 319 Cr.P.C. heard. The application is filed for summoning Chhinderpal Singh son of Surjeet Singh to face trial in the present case on the ground that Chhinderpal Singh is the actual beneficiary in the present case as the property measuring 19 kanals 18 marlas belonging to complainant has been transferred in the name of Chhinderpal Singh with the active connivance of accused Veer Singh Patwari and Charanjit Singh Namberdar.

Contrarily, accused Veer Singh has filed reply to the present application and opposed the same on the ground that the sample signature of Chhinderpal Singh were compared with rapat no.40/1 dated 04/10/2009 by sending the same to Forensic Science Expert, Kharar and after obtaining the report, the signature of accused Chhinderpal Singh were not matched with the signatures at rapat no.40/1. In fact, the present application has been filed just to harass Chhinderpal Singh and the same is liable to be dismissed.

After hearing the arguments and perusing the judicial file, this Court is of the view that in his initial complaint moved to SSP, Fazilka, the complainant has specifically levelled allegations against accused Chhinderpal Singh, Veer Singh and Charanjit Singh that they all have transferred the girdawari of his property in the name of Chhinderpal Singh after hatching a criminal conspiracy and forging his signatures. Further, accused Charanjit Singh Namberdar who has been discharged vide order dated

02/12/2016 passed by this Court has also mentioned in his statement suffered to the police that Chhinderpal Singh and accused Veer Singh have forged rapat no.40/1 in active connivance with each other. Lastly, complainant Ravinder Singh has been examined in the present case as PW-1 who has again reiterated his version mentioned in the initial complaint Ex.P1 moved to SSP, Fazilka. Further, the complainant has also proved the forged rapat no.40/1 as Ex.P3. From the entire discussion, this Court is of the view that it appears from the evidence produced on record by the prosecution that Chhinderpal Singh not being the accused has committed the offences of cheating, forgery and criminal conspiracy for which he could be tried together with accused Veer Singh. Accordingly, the present application is hereby allowed and accused Chhinderpal Singh is summoned to face trial in the present case. Ahlmad is directed to summon accused Chhinderpal Singh for 02/06/2018.

(Insan)
Judicial Magistrate Ist Class
Fazilka/UID : PB0494

Date of Order: 17/05/2018.

'Manjit Singh, Stenographer Gr.II'

Next Date: 02/06/2018

Purpose:_____