

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

2026:PHHC:096331-DB



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CRA-D-135-DBA-2005

Date of decision: 15.07.2026

STATE OF PUNJAB

...Appellant

VERSUS

PURAN SINGH & ORS.

...Respondents

**CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present: Mr. Bhanu Pratap Singh, Addl. A.G. Punjab.

Mr. P.S. Chahal, Advocate, and
Mr. K.S. Rawat, Advocate for
Mr. G.S. Nagra, Advocate,
for the respondents No.1, 3 to 5, 7 to 10.

Mr. Kashmir Singh, Advocate
for respondents No.2, 11 and 12.

VINOD S. BHARDWAJ, J.(ORAL)

The State appeal has been preferred against the judgment dated 30.04.2004, passed by the Judicial Magistrate Ist Class, Tarn Taran, in Crl. Case No.14/10.7.2002/06.08.2022 arising out of FIR No.52/2000, under Sections 418, 420, 468, 466, 467, 471, 120-B IPC, registered at Police Station Verowal, whereby the respondents-accused have been acquitted of the charges framed against them.

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Briefly stated facts of the case of the prosecution are that on

27.5.2000, a complaint was filed by Mahan Singh son of Narain Singh, in the court of Sh. Nirmal Singh, the then Judicial Magistrate Ist class, Tarn Taran. It had been averred in the complaint that complainant and his grand sons Harprabhdoyal Singh and Gurprabhdoyal Singh and Har Rai Singh son of Sukhwinder Singh, Karandeep Singh son of Baljit Singh had purchased the land from Kashmir Kaur, Sham Singh, Dharam Singh and Sarabjit Kaur vide regd. sale deeds dt. 23.8.1999 registered on 9.9.1999 measuring 4 kanals-2 Marlas for a consideration of Rs 25,000/-. It has been further averred that grand sons of complainant Harprabhdoyal Singh and Gurprabhdoyal Singh purchased land measuring 40 kanals-from Dharam Singh son of Bahadur Singh vide regd. sale deed 9.9.99 for a sale consideration of Rs 1,95,762/-. It had been further averred that Sukhpal Singh and Hari Singh grandsons of complainant purchased 1/4th share; Karandeep Singh purchased 1/4th share and the complainant purchased 1/2 share of the land measuring 58 K-7 Marlas vide regd. sale deed dt. 11.11.99 for consideration of Rs 3,50,000/- from Sham Singh. It had been further averred that complainant had also purchased the land measuring 22 K from Sham Singh for consideration of Rs 1,15,000/- vide regd. sale deed dt. 6.9.1999 and as such, the complainant and his grand sons were owners in possession of land purchased by them as per the respective sale deeds. It had been further alleged that circle revenue officer sanctioned mutation no.6862 on the basis of sale deed dt. 6.9.99, mutation no.6863 on 29.9.99 on the basis of regd. sale deed dt. 9.9.99, mutation no.6864 on 29.9.99 on the basis of sale deed dt.9.9.99 and mutation no.6885 on the basis of sale deed dt.11.11.99 and all these mutations bear the signature of Hari Singh, Tehsildar and the same were entered by Halqa Patwari Major Singh. It had been further alleged that Hari Singh Tehsildar was then already transferred from Khadoor Sahib to Nakodar in the month of March, 2000 none-the-less, on 23.4.2000 all the accused brought Hari Singh to Tehsil Khadoor Sahib where

Major Singh Patwari and Kashmir Singh Kanugo were present alongwith Numberdar Lakhwinder S. and Kartar Singh. It had been further alleged that on 23.3.2000, Major Singh and Kashmir Singh produced the entire record of aforesaid mutations before Hari Singh and he made an entry vide which he made reference to collector Khadoor Sahib for permission to review his mutation orders but he signed it in back date i.e.24.3.2000 and as such, all these entries were made by Halka Patwari, Kashmir Singh and Hari Singh in connivance with each other and all the accused had committed the offence of cheating and forgery by fabricating entries in the public register thereby intending to use the forged documents against the complainant and his grand sons for the purpose of forfeiting their legal and lawful share over the said property. It had further been alleged by the complainant that on 17.4.2000, Complainant went to Halka Patwari for obtaining the copies of Jamabandi as well as Khasra Girdwaries but the Khasra Girdwaries did not contain all the Khasra numbers. Again on 20.4.2000, the complainant went to halka Patwari to collect the khasra Girdwaries and he collected the copies of same. but the copies were again found to be incomplete. On 29.04.2000, complainant went to get certified copies of mutations and Patwari issued the certified copies of mutations no.6885 on which there was a forged entry made on it in red ink dt. 22.3.2000. On 24.4.2000 Halka Patwari and Kanugo informed the complainant about the changes made in the mutation and Khasra Gurdwaries entries. It has been averred that Tehsildar, Hari Singh, Kanugo and Patwari made forged entries in the presence of Numberdar Lakhwinder Singh and Kartar Singh, It had been further averred that Hari Singh, accused Kanugo, Kashmir Singh accused Patwari and Major Singh committed the offences with conspiracy with all other accused Hence, the said complaint.

3- On the consideration of the allegations, the then Judicial Magistrate, Ist class, Tarn Taran, ordered for registration of case.

Consequently, the present FIR was registered against the accused. Primary investigation was conducted by ASI Balbir Singh and thereafter accused were arrested in this case. After completion of necessary formalities of investigation and recording of statements of the witnesses, the challan was prepared and same was presented in the court.

4- On appearance of the accused, they were supplied with the copies of challan, free of cost, as required U/s 207 Cr.P.C.

5- Finding a prima facie case, charge sheet U/s 420,466,467,471 and 120-B IPC was framed against the accused which was read over and explained to the accused in Punjabi to which they pleaded not guilty and claimed trial.

6- To prove its case, the prosecution examined PW 1 Mahan Singh, PW 2 Kanwaljit Singh, PW 3 ASI Balbir Singh, PW 4 Charanjit Singh, PW 5 Surinder Kumar Garg, PW 6 Gurbinder Singh, Kanugo, PW 7 Satnam Singh, PW 8 Harbans Singh, PW 9 Sarabjit Kaur, PW 10 Kashmir Kaur and PW 11 Harbans Singh and thereafter the APP closed the prosecution evidence.

7 Statements of the accused were recorded under Section 313 Cr.P.C. wherein the incriminating circumstances appearing against the accused were put to them to which they pleaded innocence and claimed their false implication in this case. Accused however led no evidence in defence.

8 Upon consideration of the submissions advanced by the respective parties and a perusal of the record available at length, the trial Court acquitted the respondents-accused. The trial Court concluded that the prosecution had failed to prove its case against the respondents beyond reasonable doubt and that the evidence led by the prosecution fell far short of establishing that the respondents-accused had prepared and used forged/false documents as alleged. Hence, the present appeal.

9 Learned State counsel vehemently contends that the trial Court committed an error in failing to appreciate the evidence adduced on record

which clearly established the case of the prosecution against the respondents-accused. He contends that the evidence produced viz mutation enteries bearing mutation No.6862, 6863, 6864 and 6885 bears the signature of Hari Singh, Tehsildar and the same were entered by Halqa Patwari Major Singh. The Tehsildar was by then already transferred from Khadoor Sahib to Nakodar in the month of March, 2000 and yet on 23.04.2000, all the accused brought Hari Singh to Tehsil Khadoor Sahib where Major Singh Patwari and Kashmir Singh Kanungo were also present. The record further suggested that on 23.04.2000, Major Singh and Kashmir Singh produced the record of the above said mutations before Hari Singh, Tehsildar (accused-respondent No.12) and he made reference to the Collector Khadoor Sahib for seeking permission to review mutation order, but he signed by ante-dating it to 24.03.2000 and consequently, all the entries were made by Major Singh, Halka Patwari, Kashmir Singh, Kanungo and Hari Singh, Tehsildar-accused persons, in connivance with each other thereby committing the offence of forgery by fabricating enteries in public record. It is, thus argued with vehemence that the allegations against the respondents-accused having been explicitly proved beyond reasonable doubt by leading the entire evidence. Hence, the judgment of acquittal dated 30.04.2004 deserves to be set aside.

10 Counsel appearing on behalf of the respondents-accused persons, however, contends that the trial Court has minutely examined the entire evidence that has been adduced before the Court. The case has not been proved. Even PW1 Mahan Singh-complainant, has not supported the case of the prosecution and was declared as hostile witness, on request of the public prosecutor. Nothing fruitful emerged during his cross-examination. Other witnesses also denied the factum that accused had either sold the property beyond their share or that the accused-respondents, in connivance with the Tehsildar or other persons, had illegally sanctioned any mutation. Even PW-2

Kanwaljit Singh brought the record concerned in the sale deed and deposed that the copy of sale deed Ex.PW2/A executed by Sham Singh was correct and as per the record. Copy of the sale deed executed by Kashmir Kaur dated 09.09.1999 was brought on record as Ex.PW2/B. Similarly, the copy of the sale deed executed by Dharam Singh was Ex.PW2/C and the sale deed executed by Sham Singh dated 11.11.1999 were brought on record. The evidence, miserably, failed to corroborate and establish that any ante-dated documents were prepared. He further contends that the deposition of witnesses brings out nothing incriminating against the respondents-accused, hence, the judgment of trial Court does not suffer from any illegality, perversity, impropriety or any mis-appreciation of the evidence brought on record. He also submits that apart from a generic argument against the judgment of acquittal, the State counsel has failed to refer to any specific evidence on the basis whereof the ingredients of the offence may be proved against the respondents/accused persons beyond reasonable doubt. It is contended that there is no reference to any specific testimony of the witnesses on the basis whereof, it may be held that the conclusions recorded by the trial Court are misplaced and not based upon objective and meaningful consideration of the evidence available on record. It is submitted merely putting forth a generic prosecution story is not a substitute for proving the allegations beyond reasonable doubt. The element of probability, howsoever strong, would not partake the necessity of discharging the burden of proof which rests solely upon the prosecution. The documentary, being the only evidence available on record, falls short of proving the charges against the respondents-accused beyond shadows of reasonable doubt.

11 We have heard learned counsel for both the parties and gone through the documents on record.

12 Learned State counsel has been confronted with the findings

recorded by the trial Court as well as submissions advanced by counsel for the respondents and was asked specifically refer to the evidence on the basis whereof it may be established that the impugned documents had been signed by ante-dating by the respondents-accused, in connivance with each other. Further, he has also been confronted with the fact the trial Court specifically recorded that the prosecution witnesses have not supported the allegations and further, there are no allegations that any transfer having been made beyond the legal share held by the individuals.

13 While the submissions of the respondents are that there were certain applications on the basis whereof mutation had been entered into, however, the documents exhibited by them are merely proof of certain functions undertaken by the revenue officials and the same do not *ipso facto* establish the said documents had been ante-dated by the officials concerned. There is no scientific evidence on the basis whereof the carbondating of the ink prints had been undertaken or any extract having been examined as would establish the document having been prepared by ante-dating the same. Since an additional charge are also with respect to carrying out fraud, however, none of the witnesses had substantiated the allegation of being defrauded by the act/ommission on the part of respondents-accused persons and having been allured to part with any property.

14 Under the given circumstances, we are of the opinion that there is no incriminating material or evidence that has been pointed out by the State on the basis whereof this Court may differ with the findings that have been recorded by the trial Court after due consideration of the entire evidence. Consequently, finding no infirmity, illegality, perversity, or miscarriage of justice, we are of the considered opinion that the appeal lacks merit. The same is accordingly **dismissed** and the judgment dated 30.04.2004, passed by the

Judicial Magistrate Ist Class, Tarn Taran, in Crl. Case

No.14/10.7.2002/06.08.2002 arising out of FIR No.52/2000, under Sections 418, 420, 468, 466, 467, 471, 120-B IPC, registered at Police Station Verowal, is hereby affirmed.

(VINOD S. BHARDWAJ)
JUDGE

(SUKHVINDER KAUR)
JUDGE

15.07.2026
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<i>Whether reasoned/speaking?</i>	<i>Yes/No</i>
<i>Whether reportable?</i>	<i>Yes/No</i>