

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: 30.10.2015

**CRM No.29879 of 2015 in/and
CRM-A-1518-MA of 2015**

Bhupinder Singh

...Appellant

Versus

Sarwan Singh & others

...Respondents

**CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE DEEPAK SIBAL**

Present: Mr. H.S.Batth, Advocate, for the appellant.

HEMANT GUPTA, J. (ORAL)

This order shall dispose of CRM No.29879 of 2015 filed by the appellant for condonation of delay of 214 days in filing the appeal as well as CRM-A No.1518-MA of 2015 seeking leave to appeal against the judgment passed by the learned trial Court on 04.12.2014 acquitting the respondents herein for the offences under Sections 420, 467, 468, 471 and 120-B IPC.

The appellant claims to be owner of land measuring 32 kanals on the basis of sale deeds dated 07.05.2007. A complaint was filed by the appellant alleging that the said land is stated to have been purchased by respondent Nos.1 to 4 vide sale deed dated 22.01.2010 for a sale consideration of Rs.6,90,000/- by impersonating him. Therefore, all the respondents, who are the purchasers as well as the attesting witnesses, are guilty of the offences, as mentioned in the complaint.

The story propounded by the appellant is that on 25.01.2010, his brother-in-law Gursharan Singh son of Mohan Singh was present in the office of Sub Registrar at the time of registration of sale deed and pointed out to the

accused that the sale deed be not registered, as it is not by Bhupinder Singh, but the accused got executed sale deed for purchase of the said land by impersonating him.

To prove its case, the complainant himself stepped into witness box as CW-1 and also examined Gursharan Singh as CW-2 and Dilbagh Singh as CW-3. After considering the evidence on record, the learned trial Court noticed that the complainant never tried to trace out the person, who sold his property. The learned trial Court also found that the fact that appellant's brother-in-law Gursharan Singh was present at the time of execution of the sale deed, but did not take steps to restrain the unknown person from executing the sale deed, does not inspire confidence. In respect of offence of forgery, the learned trial Court found that the original documents qua which the forgery has been alleged have not been produced. While concluding that the version put forward by the complainant is highly unbelievable and improbable, the learned trial Court acquitted the accused by extending the benefit of doubt.

Having heard learned counsel for the appellant at length, we find that no sufficient cause is made out to condone the delay as well as to grant leave to appeal. The photocopy of the sale deed produced shows that the photograph of the vendor as also the attesting witnesses were taken at the office of Sub Registrar at the time of registration of sale deed. The appellant, thus, could very well identify the persons, who have executed the sale deed by impersonating him or approach the investigating agency to identify the said persons. A perusal of the statement of Gursharan Singh, brother-in-law of the appellant, shows that he allowed the sale deed to be executed knowingly well that the sale deed is being executed by a person, who was not the owner of the land. Thus, we find that the reasoning given by the learned trial Court granting

benefit of doubt is a possible finding on the basis of evidence on record. Such finding is neither perverse nor irregular, which may warrant consideration by way of appeal.

Consequently, both the applications i.e. for condonation of delay as well as for grant to leave to appeal are dismissed.

(HEMANT GUPTA)
JUDGE

30.10.2015
Vimal

(DEEPAK SIBAL)
JUDGE