

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

**CRR-3977-2014 (O&M)
Date of decision: - 14.09.2017**

Jaswinder Kaur

.....Petitioner

versus

State of Punjab and another

.....Respondents

CORAM: - HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: - Ms. Manjeet Kaur, Advocate for
Mr. Karanjit Singh, Advocate for the petitioner.

Mr. Randeep Singh Khaira, AAG, Punjab.

ARVIND SINGH SANGWAN, J (ORAL)

Prayer in the present petition is for setting aside judgment dated 19.2.2011 passed by trial Court vide which accused-respondent No.2, Kuldeep Singh was acquitted and judgment dated 23.9.2014 passed by the lower Appellate Court vide which the appeal filed by the petitioner-complainant was dismissed.

Brief facts of the case are that the petitioner-complainant, Jaswinder Kaur registered an FIR No. 324 of 2001 under Sections 420, 465, 467, 468, 471 and 120-B IPC, at Police Station Civil Lines, Amritsar with the allegation that the accused-respondent No. 1, Ranjeet Singh in connivance with a deed writer-Dinesh Kumar Mahajan, has prepared a false sale deed relating to her husband's property and got a mutation sanctioned from the Revenue Department. It was alleged that accused-respondent No.2, Kuldeep Singh has hatched conspiracy as the documents did not bear the signatures/thumb impression of Darshan Singh-husband of the complainant-petitioner. After the registration of FIR, investigation

was conducted and report under Section 173 Cr. P.C. was submitted before the

trial Court and charges under Sections 420/467/468/471/120-B, IPC were framed against all the accused including respondent No.2-Kuldip Singh. Thereafter, prosecution led its evidence and examined the complainant-petitioner as PW-1, investigating officer-Balbir Singh as PW-2, Surinder Singh SI as PW-3 and one Darshan Singh as PW-4 and closed the evidence thereafter. In their statements recorded under Section 313 Cr. P.C., the accused denied the allegations and pleaded false implication. Thereafter, trial Court vide its judgment of conviction and order of sentence dated 19.2.2011, held the co-accused Tarlok Singh and Ranjit Singh guilty and sentenced them to undergo rigorous imprisonment for a period of three years and to pay a fine of ₹ 1,000/- under the aforesaid offences. Respondent No.2 Kuldip Singh was, however, acquitted. The operative part of the judgment passed by the trial Court reads as under: -

14. In view of my above made discussion, it stands proved on record that accused Ranjit Singh and Tarlok Singh committed an offence punishable under Section 120-B/467/468/471 IPC. Accordingly, I hold them guilty for the above said offences. As the prosecution has failed to prove its case against the accused under Section 420 IPC beyond the shadow of reasonable doubt accordingly, all the accused stand acquitted for the offence under Section 420 IPC. The role of accused Kuldip Singh as emerged from the entire prosecution evidence is that he has only handed over the sale deed to the investigating agency during the investigation of this case and besides this no incriminating evidence has come on record against accused Kuldip Singh. PW.3 SI Surinder Singh Investigating officer in his cross-examination has also admitted that no documentary evidence has come on record against the accused Kuldip Singh. As such, this court is of the considered view that the prosecution has failed to prove case against the accused Kuldip Singh beyond the shadow of reasonable doubt and benefits of doubt always goes in favour of accused. Accordingly, accused Kuldip Singh is acquitted of the charge under Section 120-B/467/468/471 Indian Penal Code. Having perused the documents relied upon by the accused in defence evidence i.e. copy of complaint "Kuldip Singh Vs. Darshan Singh Ex.D.1, copy of statement of Kuldip Singh Ex.D.2, copy of order dated 11.1.2005 Ex.D.3, copy of order dated 20.7.2001 passed in criminal Revision dated 20.7.2001 passed by Hon'ble Punjab Haryana High Court in Misc.No.18672 M/2001 Ex.D.4. copy of order dated 18.2.2002 Ex.D.5, copy of sale deed dated 24.7.2009 Ex.D.6, and copy of plaint of case titled Dharam Singh Vs. Kuldip Singh pending in the

court of ACJ(SD), Amritsar Ex.D.7, I am of the considered view that these documents are of no help to the accused Ranjit Singh and Tarlok Singh and the same does not any way prove the innocence of these accused. These documents do not exonerate accused Ranjit Singh and Tarlok Singh from the liability qua the offences under Section 120-B/467/468/471 IPC. Accordingly, accused Ranjit Singh and Tarlok Singh are convicted for the offences punishable under Section 120-B/467/468/471 IPC. Let they be taken inot judicial custody and be heard on the quantum of sentence.”

Feeling aggrieved against the same, petitioner-complainant filed criminal appeal i.e., CRA-96/65/22783 of 2013, State through Jaswinder Kaur and Tarlok Singh and ors against the acquittal of respondent No.-2 Kuldeep Singh and the co-accused also filed another appeal challenging the conviction and order of sentence passed by the trial Court. Learned lower Appellate Court vide its judgment dated 23.9.2014, while dismissing both the appeals, upheld the orders passed by the trial Court.

It may be noticed here that criminal revision i.e. CRR-3487-2014, Ranjit Singh vs. State of Punjab filed by the co-accused Ranjit Singh as well as CRR-3875-2014, Tarlok Singh vs. State of Punjab, filed by another co-accused Tarlok Singh have already been decided by this Court vide its judgment dated 9.1.2015 and sentence awarded to them has already been reduced to rigorous imprisonment for a period of 1-1/2 year each.

Learned counsel for the petitioner has submitted that from the evidence led on record, it is proved that respondent No. 2, Kuldeep Singh was the conspirator in the offence and therefore, his acquittal by the Courts below is not justified.

After hearing learned counsel for the petitioner, I find no force in the present petition. No evidence has come on record to prove that accused-respondent No. 2, Kuldeep Singh was also involved in the alleged conspiracy of committing forgery. The Courts below have recorded a finding of fact that Ranjit

Singh and Tarlok Singh have used the forged sale deed as a genuine document

and no such evidence against the accused-respondent No. 2, Kuldip Singh has come on record. The only evidence which has come on record against Kuldip Singh is that he has handed over a sale deed to the investigating officer and therefore, the charge framed against him could not be proved by the prosecution.

In view of above, I do not find any illegality or irregularity in the orders passed by the Court below.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

14.9.2017
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No