

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

CRR No. 1688 of 2017 (O&M)
Date of decision: 08.05.2017

Des Raj

.....Petitioner

Vs.

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: Mr. R.S. Mamli, Advocate for the petitioner.

Ajay Kumar Mittal,J.

1. There is a delay of 138 days in filling the petition. After hearing learned counsel for the petitioner, the delay in filling the revision petition is condoned.
2. The present criminal revision petition has been filed by Desraj against the judgment dated 15.09.2016 passed by the Additional District and Sessions Judge, Karnal dismissing the criminal appeal filed against the conviction dated 30.09.2015 and order of sentence dated 03.10.2015 passed by the trial Court whereby the petitioner alongwith other accused was sentenced to undergo imprisonment under Sections 419, 420, 467, 468 and 471 read with Section 120-B IPC.
3. A few facts relevant for the decision of the controversy involved as narrated in the petition may be noticed. On 08.02.2013, PW-1, Kulwant Singh moved a complaint, Ex.PW.1 to the Superintendent of Police, Karnal,

which was forwarded to the S.H.O. Police Station, Butana. It was alleged therein that Desraj, Meena, Raj Kumar alias Raju, Nanki Devi, Randhir, Mohan Lal, Prikshit, Arjun, Amit and Ishwar Singh, Lamberdar got registered a forged and fabricated sale deed dated 12.07.2012 (Ex.PW.6/H) of plot No. 119-B, Model Village, Arjaheri. On the basis of the sale deed, they agreed to sell the said plot to the complainant. It was further alleged that on 22.10.2012, accused Desraj etc came to Tehsil office for registration of the sale deed. However, due to technical defect in the computer, the registry could not be done. On 23.10.2012, the accused again came to Tehsil office, received the full sale consideration of ₹ 29,40,250/- and got the sale deed of the property registered in favour of the complainant's wife Santosh Miglani, PW.4. Thereafter, accused Raju, Desraj and Prikshit again visited the house of the complainant at Kurukshetra and offered him to sell plot no.143. On going through the documents, the complainant got suspicious as in the sale deed, area of plot was mentioned as 1250 sq yards whereas actually area of the plot at site was 833 sq yards. The complainant reported the matter to the police for taking legal action against the accused persons. It was further alleged in the complaint that earlier also accused Raj Kumar, his mother Nanki Devi and uncle Randhir had committed cheating in respect of plot No.4, Village Arjaheri and a criminal case under Section 420 IPC was pending in the trial Court against them. Similarly, accused also sold plot No.129-A for which separate complaint was submitted to the Superintendent of Police, Karnal. On the basis of the above complaint, formal FIR was registered and investigation commenced. Learned counsel for the petitioner accused Desraj and Meena argued that they had been wrongly convicted. It was further submitted that a perusal of document Ex.PW.1/H showed that on behalf of Meena wife of the petitioner, her husband Desraj appeared before

the Sub-Registrar as vendee and purchased plot No.119 situated in Village Arjaheri from Jeet Pal Jhanji vide sale deed dated 24.07.2012 which was executed on 23.07.2012. As per the case of the prosecution, accused Arjun Singh impersonated Jeet Pal Jhanji, resident of Chochra, Police Station, Assandh. So far as Meena and Desraj are concerned, they are residents of Village Raipur Roran, Police Station Butana, District Karnal. On behalf of Meena, it was argued that at the time of execution and registration of sale deed, she was not present in the office of the Sub-Registrar.

4. After examining the entire documentary and oral evidence on record, it was recorded by the Court below that Jeet Pal Jhanji was owner in possession of plot No.119-B situated in Village Arjaheri, Tehsil Nilokheri, District Karnal. Jeet Pal Jhanji gifted the said plot to his nephew PW.5 Vivek Jhanji on 09.02.2005. Jeet Pal Jhanji expired on 12.08.2012. Since Jeet Pal Jhanji and Vivek Jhanji were not residents of Village Arjaheri and plot was lying vacant, the petitioner alongwith other accused conspired with each other and fraudulently sold plot No. 119-B to Santosh Multani, wife of complainant Kulwant Singh. Accused Arjun Singh impersonated Jeet Pal Jhanji and got executed sale deed dated 24.07.2012 in favour of accused Meena. Thereafter, Meena entered into agreement to sell with complainant Kulwant Singh for ₹ 35,40,250/-. She received ₹ 6,00,000/- from the complainant at the time of agreement, which apart from Meena was also signed by her husband Desraj and accused Raj Kumar and Nanki Devi. On the basis of agreement to sell, accused Meena executed registered sale deed dated 22.10.2012 in favour of Santosh Multani. It was recorded by the Court below that accused Arjun Singh impersonated Jeet Pal Jhanji and executed sale deed in favour of Meena. After examining the matter, the appeals filed by the accused including the present petitioner were dismissed.

5. We have heard learned counsel for the petitioner.

6. The impugned judgment has been passed after considering the entire documentary and oral evidence on record. Learned counsel for the petitioner has not been able to point out any illegality or perversity in the said judgment warranting interference by this Court. Learned counsel for the petitioner placed reliance on the order dated 16.11.2016 passed in Criminal Revision No. 3897 of 2016 (*Meena Vs. State of Haryana*) by learned Single Judge in the case of co-accused Meena and prayed for reduction in sentence. In the said case, the period of custody qua accused Meena was reduced keeping in view the individual facts involved therein. That was a case of its own facts, Meena being a lady accused. Further, involvement of Meena was not doubted but the main accused is the petitioner herein. Keeping in view the gravity of offence in this case, we do not find any ground to interfere with the well reasoned judgment passed by the Court below qua the petitioner Desraj. Consequently, finding no merit in the petition, the same is hereby dismissed. In view of the dismissal of the petition, the application for suspension of sentence also stands dismissed.

(Ajay Kumar Mittal)
Judge

May 8, 2017
'gs'

(Ramendra Jain)
Judge

Whether speaking/reasoned
Whether reportable

Yes
Yes

