

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Revision No. 64 of 2017

Date of Decision: January 13, 2017

Baljit Singh son of Massa SinghPetitioner

Versus

State of PunjabRespondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.Kapil Khanna, Advocate for the petitioner.

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TEJINDER SINGH DHINDSA, J.

The instant revision petition is directed against the order dated 4.11.2016 passed by the learned Additional Sessions Judge, Jalandhar and in terms of which, the conviction of the petitioner for offences under Sections 420, 467, 468 and 120-B of the Indian Penal Code and sentence awarded as rigorous imprisonment for a period of three years and a fine of ₹250/- and in default, to undergo simple imprisonment of 15 days under Section 420 of the Indian Penal Code, rigorous imprisonment for a period of three years and a fine of ₹250/- and in default, to undergo simple imprisonment of 15 days under Section 467 of the Indian Penal Code, rigorous imprisonment for a period of three years and a fine of ₹250/- and in default, to undergo simple imprisonment of 15 days under Section 468 of the Indian Penal Code and rigorous imprisonment for a period of six months and a fine of ₹250/- and in default, to undergo simple imprisonment of 15 days under Section 120-B of the Indian Penal Code, has been affirmed.

2. Briefly, it may be noticed that the process of law was set into motion on the basis of a complaint filed by Nasib Kaur, widow of Satnam Singh. Complainant asserted that in the year 1996, the State Government had allotted land measuring 5 acres 2 kanals to her husband. Satnam Singh, husband of the complainant is stated to have died in the year 2003 and whereupon the land was being taken care of by the widow along with her brother Swaran Singh. Allegations are that Swaran Singh in connivance with other co-accused got executed a power of attorney of Satnam Singh (deceased) in favour of Sukhwinder Singh. Sukhwinder Singh who is none other than son of Swaran Singh is further stated to have sold the land to Sukhdev Singh son of Bhola Singh and Nirmal Kaur wife of Gopal Singh on the basis of such forged power of attorney dated 18.4.2006. Present petitioner Baljit Singh is stated to be one of the attesting witnesses to the power of attorney dated 18.4.2006.

3. The prosecution, in order to prove its version, examined nine witnesses including Harjinder Singh, Clerk of the office of Additional Registrar as PW1 and Jagdish Chander, Junior Assistant, D.C. office as PW2. On closure of prosecution evidence, statements of accused were recorded under Section 313 of the Code of Criminal Procedure. They denied the allegations and pleaded false implication. Accused, however, did not lead any evidence in defence. Trial Court has convicted the petitioner and sentenced him under Sections 420, 467, 468 and 120-B of the Indian Penal Code as aforenoticed. Such conviction recorded by the trial Court has been affirmed in the light of impugned

judgment dated 4.11.2016 passed by the learned Additional Sessions Judge, Jalandhar.

4. Learned counsel appearing for the petitioner has contended that the name of the petitioner did not even figure in the initial FIR and neither was the petitioner a beneficiary of the power of attorney dated 18.4.2006. It has also been contended that the conviction of the petitioner cannot sustain on the sole ground that the original power of attorney dated 18.4.2006 was never produced and as such, no finding could have been returned as regards fabrication and forgery. A submission towards last resort has also been made by the learned counsel that in the eventuality of this Court not finding merit in the petition, some leniency be shown as regards quantum of sentence.

5. Having heard learned counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that the instant revision petition lacks merit.

6. PW1 Harjinder Singh, Clerk, office of the Additional Registrar, has appeared in the witness box and has proved the death certificate, Exhibit PA of Satnam Singh and as per which, he died on 7.3.2003. The power of attorney, Exhibit PB, alleged to have been executed by deceased Satnam Singh in favour of Sukhwinder Singh son of Sarwan Singh is dated 18.4.2006. Clearly, the power of attorney, Exhibit PB, has been executed subsequently in point of time when Satnam Singh was not even alive. The contention raised by learned counsel that the original power of attorney has not even been produced, is wholly mis-

conceived. The Appellate Court in its judgment has clearly observed that PW2 Jagdish Chander, Junior Assistant, D.C. office, Jalandhar had produced the original record regarding execution of the power of attorney dated 18.4.2006 in the Court and a copy of which is Exhibit PB on the file. Learned counsel does not state such observation to be perverse. Present petitioner in the capacity of an attesting witness has identified the executant of the power of attorney i.e. Satnam Singh on 18.4.2006 as opposed to the proven fact on record that Satnam Singh had already expired on 7.3.2003. Such forged document has been used by Sukhwinder Singh and on the strength of which he has sold the land of deceased Satnam Singh to other persons.

7. In the considered view of this Court, the prosecution has successfully proved guilt of the present petitioner beyond the shadow of reasonable doubt. The conviction has been rightfully recorded.

8. In view of the serious allegations against the petitioner, this Court does not find any ground to interfere even as regards quantum of sentence. Any reduction of sentence in the facts and circumstances of the case would be in the realm of mis-placed sympathy. As such, even the submission with regard to quantum of sentence raised by the learned counsel is rejected.

9. Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

January 13, 2017

SRM

Note: *Whether speaking/reasoned?* Yes/No

Whether Reportable? Yes/No