

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-A-1344-MA of 2016

Decided On : 11.05.2018

Sapinder Singh

....

Applicant

VS.

Surjit Singh and others

....

Respondents

CORAM : HON'BLE MR. JUSTICE T. P. S. MANN.

HON'BLE MR. JUSTICE DEEPAK SIBAL.

* * *

Present : Mr. Rakesh Chopra, Advocate
for the applicant.

* * *

DEEPAK SIBAL, J. :

Through the instant application filed under Section 378 (3) of the Code of Criminal Procedure, 1973 (for short – Cr.P.C.), the applicant seeks grant of leave to appeal against the judgment dated 05.01.2012 passed by the Special Judge, Fatehgarh Sahib (for short – the trial court), through which respondents no.1 and 2 have been acquitted of the charges framed against them under Sections 467, 468, 471, 120-B of the Indian Penal Code, 1860 (for short – IPC) and Section 13(1)D of the Prevention of Corruption Act, 1988 (for short – the Act).

Briefly stated, the case of the prosecution is that on the basis of a Will dated 21.05.1999, respondent no.1 Surjit Singh had got transferred land measuring 29 bighas 10 biswas along with a house belonging to Sadhu Singh in his name. Such Will had been forged by him as Sadhu Singh had no issue and the same had been done in connivance with respondent no.2 Malkit Singh, Harminder Singh and Harnek Singh.

Monika
2018.05.16 15:38
I attest to the accuracy and
integrity of this document

On completion of investigation, report under Section 173 Cr.P.C. was filed by the Investigating Agency against respondent no.1 Surjit Singh and respondent no.2 Malkit Singh for offences punishable under Sections 420, 467, 468, 471, 120-B IPC and Section 13(2)D read with Section 13(2) of the Act.

The trial court, after sifting the evidence which had come on record, acquitted respondents no. 1 and 2 being of the view that the prosecution had failed to establish any of the charges framed against both the accused. It is acquittal of both these respondents which is the subject matter of challenge in the present proceedings.

Learned counsel for the applicant, while reiterating the submissions made on behalf of the prosecution before the trial court, submitted that the trial court erred in acquitting the accused-respondents no.1 and 2 of the charges levelled against them as there was overwhelming evidence on record to prove their guilt and therefore, there was no reason in fact or in law with the trial court to acquit them.

The submissions made by learned counsel for the applicant have been considered but the same do not warrant a favourable consideration.

The Will in question and its registration has been duly proved by PW-2 Gurjit Singh (Registry Clerk), PW-8 Gurdial Singh and PW-9 Dalip Singh who were the attesting witnesses to the Will. They have specifically deposed with regard to its execution. That being so, the prosecution evidence itself reveals that the Will in question was validly

executed.

The trial court, after considering the contents of the Will, has specifically returned a finding that while executing the Will, Sadhu Singh had specifically stated therein that since his grandson – respondent no.1 Surjit Singh had looked after him, he was bequeathing his property to him. Bequeathing of property to a grandson cannot be considered to be a suspicious circumstance unless proved otherwise. Nothing was found by the trial court nor has been pointed out before us which would even raise a finger of suspicion on the Will in question.

Once the Will is held to be a valid document, there is no question of respondent no. 2 Malkit Singh having extended any undue favour to respondent no. 1 Surjit Singh in its fabrication.

Accordingly, the present application is found to be devoid of any merit and, therefore, dismissed.

Leave to appeal is declined.

(T. P. S. MANN)
JUDGE

(DEEPAK SIBAL)
JUDGE

May 11, 2018

monika

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*