

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

CRM A-109-MA of 2017

Date of Decision : July 17, 2018

Jinder Singh

.....Applicant

Versus

Dimple Singh and others

.... Respondents

**CORAM : HON'BLE MR. JUSTICE T.P.S.MANN
HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present : Mr. R.D. Bawa, Advocate
for the applicant.

T.P.S.MANN, J.

Complainant Jinder Singh filed the present application under Section 378(4) of Cr.P.C. for grant of leave to appeal against the judgment dated 5.9.2016 passed by learned Judicial Magistrate 1st Class, Fatehgarh Sahib, whereby, all the accused, who are respondents No. 1 to 4, herein, were acquitted of the charges under Sections 120-B, 465, 467, 420, 468 and 471 IPC.

According to the complainant, he is resident of village Lohari Kalan, Tehsil Bassi Pathana. Respondent No.1 Dimple Singh accused was his relative whereas respondents No. 2 to 4,

namely, Gurpreet Singh, Joginder Singh and Jaswinder Singh were his co-villagers. Respondent No.1 used to come to the house of the complainant as both of them were relatives and due to this fact, the complainant had faith in the said respondent, who had obtained a loan of Rs.1,50,000/- in the first week of April 2010 from Jaggi Finance Company, Hamayunpur, Railway Road, Sirhind for purchasing a car and the complainant had stood as guarantor for repayment of the loan amount. The finance company had taken the signatures of the complainant on blank papers, pronote and receipt at the time of the advancement of the said loan. The relations between the complainant and respondents No. 2 to 4 were not cordial due to party faction. A fight took place between the complainant and family members of respondents No. 1 and 2. The matter was reported to the police. However, due to intervention of respectables, a compromise was arrived at between the parties. Still, respondents No.1 and 2 kept a grudge against the complainant.

It is also the case of the complainant that respondent No. 1 had obtained loan from Jaggi Finance Company and obtained blank pronote and receipt from the complainant. In order to take revenge from the complainant, all the accused in connivance with each other got filled blank pronote and receipt by inserting figure Rs.50,000/- in the same. Respondent No.1 filed a

suit for recovery against the complainant despite the fact that he had never borrowed any amount from him nor he had executed any pronote. Rather the accused had prepared, forged and fabricated pronote and cheated the complainant. When the complainant received summons from the Court in the civil suit, he learnt about the forgery having been committed by the accused. The complainant alongwith Surjit Singh and Parminder Singh of his village went to Jaggi Finance Company to inquire about the matter. He was told that respondent No.1 had already cleared the loan in January, 2012 and had taken back the pronote of the complainant Jaswant Singh, by stating that he would return it to the complainant. Jaswant Singh, the employee of the said finance company had furnished an affidavit in this regard. Respondent No.1 alongwith other accused in connivance with each other had forged the pronote with an ulterior motive only to take revenge from him. Accordingly, he prayed for summoning the accused and punish them.

Having heard learned counsel for the complainant and on going through the impugned judgment, this Court finds that CW2 Jaswant Singh testified that he had never executed affidavit Ex.C2 on his own, rather he was threatened to do so by the complainant. He also testified that respondent No.1-Dimple Singh had cleared the loan in the month of January, 2012 and at that

time both Dimple Singh and Jinder Singh had come for clearing the loan. The finance company had put cross lines on both the pronotes and receipts and returned the same to Dimple Singh. The pronote of Jinder Singh was also returned to him.

CW3 Surjit Singh has admitted that there were many civil and criminal cases pending between him and respondent No.1. Thus, he had motive to depose in favour of the complainant and against respondent No.1-Dimple Singh.

In his deposition before the Court, CW1 complainant Jinder Singh admitted that a suit for recovery was pending against him at Civil Court Fatehgarh Sahib, which was filed by respondent No.1-Dimple Singh. He had appeared in the said civil suit and filed written statement. He admitted his signatures on original pronote and receipt dated 31.5.2010.

It is not disputed by learned counsel for the applicant that the aforesaid civil suit preferred by respondent No.1-Dimple Singh for recovery on the basis of pronote stands decreed. He has also stated that the judgment and decree passed by the trial Court was challenged in appeal but the said appeal has also been dismissed. Certified copies of the judgment and decree passed by the said learned trial Court have been placed on record by the learned counsel for the applicant as Annexure A-2. Similarly, judgment and decree passed by the first Appellate Court while

dismissing the appeal of the complainant has been brought on record as Annexure A-4.

In view of the above, no fault can be found with the impugned judgment of acquittal passed by the learned trial Court. The application is devoid of any merit and, therefore, dismissed. Leave to appeal is declined.

(T.P.S. MANN)
JUDGE

July 17, 2018
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No