

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 27.08.2018

1. CRR-2518-2013 (O&M)
Ganpat

... Petitioner

Vs.

State of Haryana

... Respondent

2. CRR-2600-2013 (O&M)
Gian Chand and another

... Petitioners

Vs.

State of Haryana

... Respondent

3. CRR-2738-2013 (O&M)
Rajinder

... Petitioner

Vs.

State of Haryana

... Respondent

4. CRR-2744-2013 (O&M)
Prem Singh

... Petitioner

Vs.

State of Haryana

... Respondent

5. CRR-2640-2013 (O&M)
Bala Devi

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. P.R. Yadav, Advocate
for the petitioner (in CRR-2518-2013).

Mr. Shobit Phutela, Advocate for
Mr. A.R. Takkar, Advocate
for the petitioner (in CRR-2600-2013).

Mr. Yogesh Goel, Advocate
for the petitioner (in CRR-2738 & 2744-2013).

Mr. I.D. Singla, Advocate
for the petitioner (in CRR-2640-2013) and
for the complainant (in CRR-2518, 2600, 2738 & 2744-2013).

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Challenge in these revision petitions is to the judgment of conviction dated 18.03.2010, vide which the trial Court had convicted petitioners Ganpat, Prem Singh, Rajinder under Sections 197/420 IPC and petitioners Gian Chand and Vikram under Sections 197/198/420 IPC and vide order of sentence of even date, they were sentenced to undergo two years simple imprisonment with a fine of Rs.500/- each as well as the judgment dated 24.07.2013 passed by the Id. Additional Sessions Judge, Rewari, vide which three different appeals filed by the present petitioners, challenging the aforesaid judgment of conviction and order of sentence, were dismissed.

Brief facts of the case are that complainant Smt. Bala Devi wife of Abhey Singh submitted an application bearing No.256 P.E. dated 12.09.2001 to the police officer to the effect that her father Amar Singh was serving in Indian Army and since 1969, he was missing but one Baba Lodarnath impersonating himself as her father Amar Singh, was committing misdeeds by making

fraudulent ration card and voting card. Baba Lodarnath is illiterate, whereas her father Amar Singh was an education person. Accused Baba Lodarnath was in possession of illegal arms and he threatened the complainant with dire consequences, if she disclosed the truth to anyone. He was head of the land mafia group which executed forged sale deeds in order to grab the lands of people. Accused Baba Lodarnath had alienated some land of Amar Singh by way of executing a false registered deed. Many applications were given to the Superintendent of Police, Rewari but no action was taken and it appears that he was in collusion with the land mafia. Due to the threat advanced by accused Baba Lodarnath, husband of the complainant had lost his mental balance. Thereafter, on receipt of the application made by the complainant, an investigation was carried out by DSP Laxman Dass and he found that accused Baba Lodarnath by impersonating himself as Amar Singh got executed a sale deed of 16 kanal land of Amar Singh. He was identified by Ganpat son of Nand Ram, Prem Singh Lumberdar, Panch, Naresh Kumar and Narender son of Surajbhan. Gian Chand son of Balwant and Vikram son of Deshraj were also in collusion with them. On the basis of aforesaid report, a case was registered. Investigation was conducted by SHO Jamal Mohmad. Accused Rajinder, Ganpat, Prem and Naresh were arrested, whereas accused Vikram and Gian Chand, who purchased the land of Amar Singh from Baba Lodarnath, who impersonated himself to be Amar Singh, were also arrested later on. Challan was presented against the accused persons and after completing all the formalities, the trial Court held guilty all the accused persons vide judgment dated 18.03.2010.

During the course of arguments on 19.07.2018, the parties have

shown their willingness that the matter can be amicably settled between them and the petitioners especially petitioners Gian Chand and Vikram Singh, in whose favour the alleged sale deed was executed and was subsequently set aside by the Civil Court vide judgment Ex.PY, which was upheld in RSA on 14.05.2011 that they are ready to part away with possession of the land, which is subject matter of the aforesaid decree. Learned counsel for the complainant has raised an objection that aforesaid two petitioners are still in possession of 04 marls of land and accordingly, Tehsildar, Rewari was directed to submit a report regarding the land, which was subject matter of the decree Ex.PW7/A, qua these two petitioners if they are in possession of any part of the land or the possession of entire land has been handed over to the complainant Smt. Bala Devi.

Thereafter, on receiving the report of Tehsildar, on 06.08.2018, on the apprehension of counsel for the complainant Smt. Bala Devi that in the absence of change of mutation in favour of the complainant, as per decree of the Civil Court, the petitioners may again try to interfere in her possession, Tehsildar, Rewari was again directed to visit the site and hand over the actual possession of the land shown in red portion (as per report of the Tehsildar, Rewari dated 02.08.2018). It was further directed that by executing the entry in rojnamcha, the mutation be also changed in her favour and compliance of the Civil Court decree, as requested by both the parties, be duly made.

In pursuance to the order dated 06.08.2018, learned State counsel, on instructions from Sh. Khushi Ram, Patwari Halqa, stated that on 20.08.2018, the proceedings for handing over the possession of 1/5th share of Khasra No.100 was delivered to complainant Smt. Bala Devi, daughter of Sh. Amar

Singh, in presence of the Sarpanch, Numberdar and police officials and in this regard, rapat rojnamcha No.672 dated 20.08.2018 was entered.

Learned State counsel further submits that with regard to execution of the Civil Court decree dated 16.12.2008, regarding inheritance of the share of the property in Village Fideri, mutation (sehat) No.722 was sanctioned on 24.08.2018 by the Assistant Collector IInd Grade, Rewari, vide which complainant Bala Devi has been recorded to be owner to the extent of 1/5th share in Khasra No.100. Learned State counsel has placed on record the judgment dated 16.12.2008 passed by the Civil Court, photocopy of the rojnamcha No.672 dated 20.08.2018, report regarding handing over possession and statement of the complainant dated 20.08.2018 that she has taken possession of Khasra No.100.

Learned State counsel has also placed on record copy of the mutation No.855, in which endorsement of the aforesaid mutation (sehat) No.722 was made in favour of the complainant, along with a list of *Faiharamti Ismaye Malkaan* (list of proprietors) showing that Khasra No.15//7/4 (0-2) and khasra No.100 (1-0) i.e. total 01 kanal 02 marla, in which two persons namely Gian Chand and Vikram Singh have been shown to be owner of 01 kanal 02 marla each i.e. 1/5th share, that stands corrected in favour of the complainant.

As noticed above, learned State counsel, on instructions from Sh. Khushi Ram, Patwari Halqa, has further stated that not only the possession of the entire land has been handed over to Smt. Bala Devi, but by entering mutation (sehat) No.722, the entries have been corrected in her name by removing the name of Vikram Singh and Gian Chand and subsequently vide mutation No.855 sanctioned on 24.08.2018, the ownership from the name of

said two persons, has been changed in favour of Smt. Bala Devi and therefore, the Civil Court decree in all respects stands executed.

Since in order to maintain peace and harmony in the village, both the parties have themselves executed the Civil Court decree, considering the fact that the petitioners are facing the protracted trial since 2001 and the dispute is arising out of execution of the sale deed, which stands settled before Civil Court, all these petitions are partly allowed and while upholding the judgment of conviction, the order of sentence awarding two years S.I. by the trial Court, is reduced to the period already undergone by the petitioners.

With the aforesaid modifications, all these revision petitions stand disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

27.08.2018
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No