

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.16576-2012 (O&M)

Date of decision : 09.05.2019

Balkar Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present: Ms.G.K.Mann, Advocate for the petitioner
Mr.Sandeep S. Deol, DAG Punjab
Mr.B.S.Jaswal, Advocate for the respondent

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (Oral)

Petitioner Balkar Singh has filed this petition under Section 340 Cr.P.C. read with Section 482 Cr.P.C. for initiating criminal proceedings against respondent no.2 Sarabdeep Singh for filing a false affidavit in this Court and obtaining orders from this Court by concealment of material facts. It is stated that respondent no.2 Sarabdeep Singh has filed Criminal Misc. M 20143 of 2011 (titled as *Amar Singh vs. State of Punjab* and another decided on 17.8.2011), claiming to be general power of attorney of one Amar Singh Ambo, a resident of Indonasia. The petition was filed on 28.5.2011. Amar Singh died on 4.2.2011. This fact was in the knowledge of respondent no.2. Power of attorney was also cancelled on 11.10.2010. Despite that, respondent no.2 filed the petition by misstating

that he is the general power of attorney.

I have heard learned counsel for the parties and have also carefully gone through the file.

On behalf of the respondent, stand is taken that cancellation of general power of attorney and death of Amar Singh was not within his knowledge. It also comes out that on the basis of the said facts, FIR No.34 dated 8.5.2012 under Sections 420, 467, 468 and 471 IPC at Police Station Khalchian against Sarabdeep Singh and one Iqbal Singh for executing the sale deed in favour of Iqbal Singh, on the basis of cancelled general power of attorney was registered. In the said FIR, the Court of Sub Divisional Magistrate, Baba Bakala, District Amritsar, vide judgment dated 23.1.2018 acquitted the accused, wherein inter-alia, it was recorded that the cancellation of the power of attorney was not proved. Civil Suit titled as Amar Singh vs. Sarabdeep Singh (Annexure A4) was also filed on 24.10.2010 through power of attorney Balkar Singh present petitioner, claiming that sale deed executed by Sarabdeep Singh respondent in the present petition in favour of defendant no.2, his son Iqbal Singh, is illegal and result of fraud and misrepresentation. In the said case, cancellation of power of attorney was also pleaded. Said suit was also dismissed on 23.1.2018 by learned Additional Civil Judge, Senior Division, Baba Bakala, District Amritsar.

In the present case, only a typed copy of letter has been produced to claim that a letter was addressed to respondent on 13.9.2010, intimating that power of attorney has been cancelled. However, copy of the letter and the receipt showing that the same was received by respondent no.2 has not been placed on file. Therefore, merely on the basis of the

allegations, which have already been tested before the Civil and Criminal Court, no proceedings under Section 340 Cr.P.C. can be initiated.

Resultantly, the present petition stands dismissed.

09.05.2019

gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:	Yes
Whether Reportable:	No