

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

1. CRR-63-2015 (O&M)
Date of decision : 14.11.2019

Gurdeep Singh and others

...Petitioners

Versus

State of Punjab

...Respondent

2. CRR-2051-2015 (O&M)
Date of decision : 14.11.2019

Rajinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. D.S. Gurna, Advocate for the petitioner
(In both the petitions)

Mr. Surinder Pal Singh Tinna, Additional A.G. Punjab.

Mr. P.S. Ahluwalia, Advocate for the complainant.

ANIL KSHETARPAL, J. (ORAL)

By this order, two criminal revision petitions bearing CRR-63-
2015 and CRR-2051-2015 shall stand disposed of.

As per case of the prosecution, agricultural land, which has

been declared surplus and vested with the State, was sought to be swindled away by the petitioners. Rajinder Singh is the then Sarpanch of Village Gram Panchayat whereas Wirsia Singh, one of the petitioner is his brother. Originally, the property was owned by Pritpal Singh (a big landowner) son of Harchan Singh. Proceedings for declaration of surplus area started in the year 1962 culminated in the year 1993 resulting in a declaration that the land in question is surplus and hence vest in the State Government.

Petitioners in CRR-63-2015, are alleged to have purchased the land (adjoining in their own land) through sale deed in the year 2002 from one Gurmeet Singh. Gurmeet Singh is neither owner nor has any connection with the land.

Both the Courts on appreciation of evidence have found that the petitioners are guilty of the offence alleged and, therefore, awarded sentence of imprisonment.

This Court has heard learned counsel for the parties at length and with their able assistance gone through the paper book and record.

Learned counsel for the petitioners submitted that the petitioners in CRR-63-2015 are in fact sufferers because they had purchased the property for valuable sale consideration through registered sale deed and, therefore, petitioners cannot be held to be involved in the offence. He further submitted that in the revenue record, there was no entry in the name of State Government. Therefore, the petitioners had no occasion to have knowledge that the land has been declared surplus.

On the other hand, learned counsel for the son of first informant has submitted that the petitioners belong to the same village owner of

adjoining land. Petitioner No.2-Wirsa Singh in CRR-63-2015 is brother of the then Sarpanch Rajinder Singh who is the petitioner in CRR-2051-2015. Hence, he submitted that in fact all the actions were taken by the petitioners and their family members in connivance with the revenue officials. One revenue official has also been convicted. Civil Court has already passed strictures against the revenue officials.

In the facts of the case, it would not be appropriate to accept that the petitioners (who were/are owners of the adjoining land and belong to the family of the Sarpanch of the village) did not know that the land has already been declared surplus. In these circumstances, the petitioners in CRR-63-2015 cannot claim that they are bona fide purchasers. Efforts of the big land owners to save the land from being declared surplus remained pending in the Courts for a period of 31 years. Hence, it cannot be believed that the petitioners had no knowledge of pending litigation. Both the Courts have drawn conclusion on appreciation of evidence in proper perspective. Hence, no ground to interfere.

Accordingly, both the criminal revision petitions are dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

14.11.2019

Pawan

(ANIL KSHETARPAL)
JUDGE

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

Whether reportable:- **Yes/No**