

**CRR-3221-2017(O&M)
and connected case**

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

1. CRR-3221-2017(O&M)

Jaspal Singh @ Jassu and another

.....Petitioners

Versus

State of Punjab

.....Respondent

2. CRR-3839-2017(O&M)

Pargat Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

Date of decision: 26.11.2019

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. S.P.S.Sidhu, Advocate for the petitioner
in CRR No. 3221 of 2017
Mr. P.S.Dhaliwal, Advocate for the petitioner
in CRR No. 3839-2017
Mr. Hittan Nehra, Addl. AG, Punjab

ANIL KSHETARPAL, J.

With the consent of the learned counsel for the petitioners,
criminal revision petition No. 3221 and 3839 of 2017 are being disposed of
by a common order.

Both the revision petitions are arising from a common
judgment passed by the learned Judicial Magistrate, affirmed in appeal by
the Court of Sessions. Facts of the case as noticed by learned Court of

Sessions are extracted as under:-

“2. The case of the prosecution, in nutshell, is that on 10.12.2008 a police party headed by SI Sukhdev Singh along was present at ITI Chowk, Barnala, on routine patrolling, where he received a secret information to the effect that Pargat Singh son of Shamsher Singh, Paramjit Singh son of Saudagar Singh and Jaspal Singh @ Jassu and alongwith some other persons have constituted a gang and they commit theft of Cars/vehicles and prepare forged, fabricated and duplicate documents such as Registration Certificate and sell those vehicles to the innocent people. It was further disclosed by the informer that Karamjit Singh son of Sukhdev Singh resident of village Daraz, who is a typist at Tapa, also used to facilitate and help the said persons in preparation of duplicate documents. Secret informer further informed SI Sukhdev Singh that all the above said three persons are having one Indica car No. PB-19-D-2605, one Bolero Car No. PB-19-D-3454 along with duplicate registration certificates and they are going to sell those vehicles to some persons and if Naka is laid, then all these persons can be apprehended red handed and other vehicles can also be recovered from them.

3. Finding the information credible, SI Sukhdev

Singh dispatched a ruqa to the Police Station for formal registration of the case on the basis of which FIR was registered against the accused under Section 379, 411, 420, 467, 468, 471, 120-B Indian Penal Code. Thereafter, SI Sukhdev Singh along with other police officials started checking of the vehicles and SI Sukhdev Singh conducted raid at the house of Jaspal Singh but nothing was recovered. Then on 11.12.2008, a Naka was laid at Bajakhana Chowk, Barnala, and Pargat Singh and Karamjit Singh were arrested along with one Car Indica bearing regd. No. PB-19-D-2605 along with RC of the car which was in the name of Pargat Singh resident of Bhagatpura and this RC was shown to be issued by DTO, Barnala. The said car and RC were taken into possession by the police.

4. During further investigation, on 13.12.2008, Karamjit Singh suffered a disclosure statement and in pursuance thereto, one computer and other articles were recovered which were taken into possession by the police. Thereafter, on the same day, one Ramandeep Singh resident of Kamo Majra produced one agreement

of Car bearing regd. No. PB-19-D/2605 and the same was taken into possession by the police. On 16.12.2008 Paramjit Singh alias Badal was produced before the police by Kuldeep Singh and Jaspal Singh @ Jassu and he produced one Car bearing regd No. PB-19-D/3454 along with Photostat copy of Registration Certificate which was in the name of Manmeet Singh son of Gurmit Singh. The said Car and RC were taken into possession by the police and SI Sukhdev Singh arrested both the accused. During further investigation, One Alto Car without number and one car indigo and one RC were also recovered. An application was moved for taking specimen signatures of the accused in the court but they refused to give their specimen signatures. Randhir Singh son of Samunder Singh resident of Bathinda produced the documents of indigo car on 28.2.2009, Balwinder Singh son of Jagtar Singh also produced some documents which were taken into possession by the police. During the investigation statements of the witnesses were recorded and other documents from the Finance Company and from the bank were taken into possession by the police. The relevant record from the

DTO Office was obtained. One accused namely Ajay Khatri could not be arrested during the investigation. It came into light during the investigation that the registration certificate of Vehicles No. PB- 19-D/2605, PB-19-D/3454 are fake. After completion of investigation and all other formalities, the police report under S 173 (2) CrPC against the accused was presented in the Court.”

Prosecution in order to bring home the guilt of the accused-petitioners herein examined Ashok Kumar PW-1, Sukhdev Singh, Retired Inspector- PW2, Rajiv Goyal, Manager, Mehta Motor Bibi Wala Road, Bathinda PW3, Ramandeep Singh PW4, Manpreet Singh PW5 and Randhir Singh, Junior Assistant PW6. All the petitioners were examined under Section 313 Cr.P.C while confronting them with incriminating material/evidence which had come on record. But they denied and pleaded ignorance. No defence evidence was led.

This Court has heard learned counsel for the petitioners in both the petitions and with their able assistance has gone through the judgment passed by the Courts below. Learned counsel for the petitioners have submitted that the Court of Sessions has already acquitted the petitioners under Section 411 IPC. Hence, they submitted that even the offence under Section 420 IPC is not made out. They further submitted that petitioners were not in the knowledge of the fact that the registration of the vehicle

allegedly sold to Ramandeep Singh had been cancelled. They submitted that the case against the petitioners is not established.

In this case, four vehicles were recovered by the prosecution during investigation. Prosecution alleges that petitioners are dealing in selling stolen vehicles after preparing fake registration certificates. Ramandeep Singh, one of the purchaser of the stolen vehicle has appeared in evidence and submitted that he purchased the vehicle in question from the petitioners for a sum of Rs. 2,40,000/- and in this regard a writing dated 9.12.2008, Ex.PW4/A was executed. When Ramandeep Singh applied for incorporation of his name in the office of District Transport Officer, it was rejected on the ground that the documents produced are fake.

No doubt learned Court of Sessions has held that offence under Section 411 IPC is not made out, however, offence under Section 411 is an independent offence and not dependent on offence under Section 420 IPC. It may be noted here that prosecution has proved on file the order passed by District Transport Officer refusing to register the vehicle in the name of purchaser on the basis of documents supplied by the petitioners.

Still further learned Court has rightly drawn adverse inference, as during the investigation, an application was moved by the investigating agency before the learned Judicial Magistrate First Class Barnala to obtain specimen signatures of the appellants-accused, however, they refused to furnish the same. Still further there is no specific denial with respect to the execution of the writing dated 9.12.2008 Ex.PW4/A. Petitioners have not proved that the signatures on Ex.PW4/A had been obtained forcibly.

Further the petitioners had projected before Ramandeep Singh

that they are joint owners of the vehicle which was found to be incorrect. Even the registration of the vehicle in question in favour of Pargat Singh was cancelled by the office of District Transport Officer, Barnala on 20.11.2008. Therefore, sale of the aforesaid vehicle to Ramandeep Singh is fraudulent amounting to cheating. Hence, offence under Section 420 IPC stands proved.

Next argument of the learned counsel for the petitioners that they did not come to know the fact of the registration of the vehicle was cancelled by the District Transport Officer is also without substance because the registration in favour of the petitioners was found to be based on fake documents, hence cancelled. As noticed above, as many as four stolen vehicles were recovered from the petitioners. Two vehicles in the possession of the petitioners were found without any registration number.

Keeping in view the aforesaid facts, this Court does not find any ground to interfere in the findings of the Judicial Magistrate First Class affirmed in appeal by the learned Court of Sessions. Hence, both the revision petitions are dismissed.

26.11. 2019

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No