

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

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CRM-M-25513-2021 (O&M)

Date of Decision: 30.07.2021

Anil Bansal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Pawan Sankhla, Advocate,
for the petitioner.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court assailing order dated 23.09.2020 (Annexure P-1) passed by the learned Additional Sessions Judge, Faridabad, whereby a revision directed against order dated 22.01.2020 passed by the learned JMIC, Faridabad, wherein charges were ordered to be framed in respect of offences punishable under Sections 420, 467, 468 & 471 IPC, has been dismissed.
2. The allegations, in nut-shell, as per the FIR dated 03.10.2015 (Annexure P-4) are to the effect that Tehsildar -cum- Sub Registrar, Faridabad made a written complaint to the police intimating that he had come to know that in several cases some pages of the registered documents have been replaced. The reason for such substitution of pages was alleged to be that the original documents,

which were registered, duly fell within the ambit of the relevant Acts and Instructions and could be duly registered, but by way of such tampering/substitution of pages, some properties which could not have been registered were shown to be duly registered. In the said complaint, following 3 instances were also mentioned:

Date of registration and Deed No.	Name of the Seller	Name of the Buyers	Drafted by	Comments	Apparent reason for change
24.08.2015 /8631	Anil Bansal s/o Ram Kishore Bansal r/o House No.1055, Sainik Colony, Sector-49, Faridabad	Smt. Santosh Bala w/o Sh. Prem Prakash Nagia and Mr. Gaurav Nagia, H.No.13/ 140 Bali Nagar, Palwal	Mr. M.K. Gaur, Advocate, District Court, Sector-12, Faridabad	When the document was registered, the property that was being conveyed was entire first floor, after the registration, the pages depicting the property has been changed and now the documents states that the property conveyed is first floor (Front Portion)	Sub-division of floor is not permissible. Hence, initial documents was presented to mislead the registration authority.
24.08.2015 /8612	Balraj s/o Ram Narayan r/o Village Pali, Tehsil & District Faridabad	Jyoti w/o Manoj Singh r/o RZ-200/17 Gali No.11, Durga Park, New Delhi	Mr. M.K. Gaur, Advocate, District Court, Sector-12, Faridabad	When the document was presented the property depicted was Khasra No.5/2. After the registration, the pages depicting the property has been changed and how the documents states that the property conveyed is Khasra No.9/2	The Khasra No.9/2 lies in unapproved area and hence NOC would have been mandatory.
24.08.2015 /8615	Balraj s/o Ram Narayan r/o Village Pali, Tehsil & District Faridabad	Seema w/o Ranjeet r/o G-1/284, Ambedkar Nagar, Madan Giri, Devli, South Delhi	Mr. M.K. Gaur, Advocate, District Court, Sector-12, Faridabad	When the document was presented the property depicted was Khasra No.5/2. After the registration, the pages depicting the property has been changed and how the documents states that the property conveyed is Khasra No.9/2	The Khasra No.9/2 lies in unapproved area and hence NOC would have been mandatory.

3. The matter was enquired into by the police and a challan was presented against 4 accused including the petitioner, namely, Anil Bansal.

4. Learned JMIC, Faridabad, upon considering the documents on record and the contentions raised by the learned counsel for the petitioner, passed an order dated 22.01.2020 (Annexure P-9) for framing of charges against the accused/petitioner in respect of offences under Sections 420, 467, 468 & 471 IPC.
5. Aggrieved by the said order, the petitioner preferred a revision petition in the Court of Sessions at Faridabad, but the said revision petition also came to be dismissed vide order dated 23.09.2020 (Annexure P-1), which has been assailed by way of filing the instant petition.
6. Learned counsel for the petitioner has submitted that in the instant case, the charges have been framed for the offences which are not actually made out and that at best even if the allegations are taken to be correct, though the petitioner seriously disputes the same, it would only be an offence under Section 465 IPC, which would be made out and that no offence under Sections 467, 468 or 471 IPC can be said to be made out. Learned counsel has further submitted that in fact even offence under Section 420 IPC would not be attracted, as it is not a case where any kind of property has been delivered to anyone on the basis of alleged forgery. It has further been submitted that the trial Court as well as the lower Appellate Court did not appreciate the ratio of judgment rendered in Tarsem Singh & another Vs. State of Punjab & another, [CRM-M-301-2013 decided on 16.09.2019] and that when there is nothing contained in the report under Section 173 Cr.P.C. to suggest the commission of the aforesaid offences, the trial Court on its own

could not have proceeded to frame charges in respect of such offences.

7. I have heard learned counsel for the petitioner and have also considered the submissions raised before this Court.
8. It is the specific case of the prosecution that in several cases where sale deeds had been registered in respect of properties which could have been duly sold or registered, the same (sale deeds) were subsequently tampered with and the relevant pages containing the particulars of the property were changed and the description of those properties was made, which otherwise could not have been legally got registered. Petitioner Anil Bansal is also alleged to have sold 'First Floor' of his property i.e. Plot No.249. However, subsequently by way of substitution it was shown that only 'front portion of the First Floor' was sold, whereas the division of the First Floor was not allowed. By way of such act, the petitioner had not only violated the prescribed conditions and instructions, but had virtually deceived the authorities by way of tampering with material document/s. It could even be a case that the petitioner stood to gain by selling his property in parts. At this stage, it would be apposite to refer to Section 420 IPC, which reads as under:

“420. Cheating and dishonestly inducing delivery of property - Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either

description for a term which may extend to seven years, and shall also be liable to fine.”

9. A perusal of the aforesaid definition would show that any alteration in any part of a valuable security or anything which is signed or sealed and which is capable of being converted into a valuable security is also fall within the ambit of cheating.
10. Similarly, since substitution of pages of a sale deed would amount to tampering and forging the original sale deed, it is not just offence under Section 465 IPC, which would be attracted, but the graver offences punishable under Sections 467 & 468 IPC would also get attracted as the forgery was of valuable security and for the purpose of cheating.
11. The mere fact that the Investigating Officer at the time of presentation of charge-sheet does not specifically mention a particular offence would not prevent the Court from looking into the entire facts and frame charges for such offence/s which are found prima facie to be made out from the facts of the case.
12. In these circumstances, this Court does not find any ground for interfering in the orders of the trial Court or of the Revisional Court and the same are hereby upheld.
13. Before parting with this order, this Court feels the necessity to direct the trial Court to examine all the documents concerned and to ensure that correct date of FIR is mentioned in all the documents since some of the documents are found to be bearing the date of FIR as ‘03.10.2015’, while some other documents bear the date as

‘08.09.2015’. Necessary corrections be carried out so that there is no confusion at a later stage.

14. The petition stands dismissed accordingly.

30.07.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

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

Whether reportable: **Yes/No**