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

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**CRM-A-1733-MA-2017  
Date of decision : 28.07.2023**

**Shinder Singh**

**..... Applicant**

**versus**

**Gurmit Singh and others**

**..... Respondents**

**CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. P.K.S. Phoolka, Advocate  
for the applicant.

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**PANKAJ JAIN, J.**

1. Complainant seeks leave to appeal against the judgment dated 11.05.2017 passed by JMIC, Jagraon whereby the complaint filed by the applicant has been dismissed and the respondent stands acquitted from the charges framed against them under Sections 420, 465, 467, 468, 469 and 471 of IPC.

2. At the heart of the controversy lies, estate left behind by one Mohinder Singh. Complainant claims to be an attorney holder of Nasib Kaur w/o Mohinder Singh, who died on 09.07.2008. As per the complaint, Nasib Kaur was married to Mohinder Singh and no child was born out of the wedlock. Mohinder Singh during his life time filed divorce petition against Nasib Kaur, but the same was dismissed vide judgment dated 09.04.1991. It has been alleged that the accused acted in connivance and with intention to cause loss and injury to Nasib Kaur, executed a forged and fabricated Will of Mohinder Singh in favour of Gurmit Singh. On the basis of said forged Will dated 13.09.2007,

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mutation qua estate left by Mohinder Singh was sanctioned in favour of Gurmit Singh. Accused No.2 and 3 are the attesting witnesses to the alleged forged Will. Accused No.4 is the scribe.

3. Trial Court after appreciating evidence found that it has come on record that Nasib Kaur never visited her in laws from the time she left her matrimonial home i.e. even prior to the year 1989 and Mohinder Singh admittedly resided with Gurmit Singh and it was Gurmit Singh who remained in cultivating possession of the land of Mohinder Singh even during life time of Mohinder Singh. The parties were engaged simultaneously in a civil lis as well. In the civil litigation, the Will propounded by the accused was found to be genuine. Trial Court further found that the only evidence relied upon by the complainant to claim that the Will was forged, was the opinion tendered by hand writing expert.

4. In the light of the aforesaid facts, the trial Court found that the complainant has failed to prove the allegations against the accused beyond reasonable doubt and discharged the accused.

5. Counsel for the applicant has not been able to point out any piece of evidence that remained unappreciated by the trial Court. Merely for the reason that Nasib Kaur remained legally wedded wife of Mohinder Singh and was not divorced, cannot be a circumstance for the Court to return a finding that the Will was forged. The witnesses as well as the complainant himself have admitted in the testimony that in fact the wife-Nasib Kaur never visited her husband since 1989 and had no surviving relations except on paper. Rather Mohinder Singh during whole of his life time lived with Gurmit Singh the beneficiary under the

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Will and it was Gurmit Singh only who remained in cultivating possession of the land owned by Mohinder Singh.

6. In view of above, this Court does not find any reason to interfere in the present application as there is no evidence on record to prove that the Will was a forged document.

7. Resultantly, the present application seeking leave to appeal stands dismissed.

(PANKAJ JAIN)  
JUDGE

28.07.2023  
Dinesh

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|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether Reportable :      | No  |