

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Revision No. 3054 of 2011 (O&M)
Date of Decision: January 24, 2023

Amrik Singh

.....Petitioner

versus

Ajit Singh and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present:- Mr. Sarju Puri, Advocate
for the petitioner

Mr. Kulvir Narwal, Advocate with
Mr. Satish Kumar, Advocate
for respondent No. 1

Mr. Gurpal Singh Dhillon, AAG Punjab
for respondent No. 2

Sudhir Mittal, J. (Oral)

One Gian Kaur daughter of Harbans Kaur widow of Makhan Singh filed an application before Senior Superintendent of Police, Nawanshahar stating that the accused namely Ajit Singh son of Kesar Singh had illegally sold the land of Harbans Kaur acting as her GPA and after her death. Thus, he defrauded the heirs of Harbans Kaur one of whom was the complainant namely Gian Kaur. FIR No. 155 dated 03.07.2001 was registered at Police Station Banga under Section 420 IPC. Ajit Singh was, however, acquitted vide judgment dated 17.07.2010. Appeal against this judgment has been dismissed vide judgment dated 23.08.2011. Aggrieved, the complainant has filed the present revision petition.

Harbans Kaur had executed a General Power of Attorney dated 16.11.1981 in favour of Ajit Singh. She also executed a Will of the same date in his favour. Harbans Kaur died on 02.09.1994. Ajit Singh sold her land vide sale

deed dated 29.05.1995 and also swore an affidavit that Harbans Kaur was alive on the date of sale, signifying that Power of Attorney in his favour was operative.

The Courts below have held that Will dated 16.11.1981 executed by Harbans Kaur in favour of Ajit Singh is not in dispute and, thus, irrespective of whether Harbans Kaur died earlier to the date of sale or later the merits of the case would not be affected.

The Will aforementioned being a fake document or having been forged by Ajit Singh has not even been argued before me. Thus, no fault can be found with the findings of the Courts below calling for interference in exercise of revisional jurisdiction.

The petition has no merit and is dismissed.

Since the main case has been decided, pending miscellaneous applications also stand disposed of.

(SUDHIR MITTAL)
JUDGE

January 24, 2023

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No