

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

CRR-1294-2023 (O&M)

Date of Decision:-17.5.2023

Inderjeet Singh

... Petitioner

Versus

State of Haryana

... Respondent

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CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

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Present:- Mr. Robin Dutt, Advocate
for the petitioner.

Mr. Gagandeep Singh Cheena, AAG, Haryana.

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SANDEEP MOUDGIL, J. (Oral)

1. Instant criminal revision petition has been filed by the petitioner- Inderjeet Singh against judgment dated 29.3.2023 passed by the Learned Sessions Judge, Yamuna Nagar, who has dismissed the appeal against the judgment of conviction and order of sentence dated 15.6.2017 passed by the learned Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri, whereby the petitioner was convicted under Section 420 IPC and sentenced to undergo simple imprisonment for a period of 3 years and to pay fine of Rs.10,000/- and in default of payment of fine, to further undergo simple imprisonment for 15 days .

2. Aggrieved against the aforesaid judgment, the petitioner has preferred instant criminal revision petition.
3. The case of the prosecution in nut-shell is that on 19.01.2011, complainant-Pardeep Kumar moved a complaint alleging therein that he purchased a house from Darshan Kaur and her husband-Inderjeet Singh vide sale deed No.2814 on dated 7.7.2010. It was made clear to the complainant by Darshan Kaur and Inderjeet Singh that the said house is free from all encumbrances including bank loans etc., but later on when the complainant started living in the said house, a notice claiming an outstanding loan of Rs.10,29,280/- issued by State Bank of India was received by the complainant, to which, Darshan Kaur and Inderjeet Singh could not give any satisfactory explanation. The complainant later on came to know that Inderjeet Singh and Darshan Kaur had executed an agreement for clearing the said loan and in that manner they cheated the complainant. On the basis of the aforesaid complaint, instant FIR was registered.
4. The learned counsel for the petitioner has submitted that the orders passed by the Court below are illegal and the same have been passed without appreciating the evidence on record and that the petitioner has nothing to do with the commission of offence. It is further submitted that the investigation done by the Investigating Officer is shoddy investigation as, while he appeared as witness, he admitted the fact that he did not investigated the matter regarding citation in sale deed No.10087 executed by Surender Kumar and Kusum Lata in favour of Inderjeet's wife namely Darshan Kaur. It is further submitted by the

counsel that there was no intention of the petitioner to cheat complainant as the petitioner's wife sold the plot as it is, which was registered in her favour. It is further submitted by the counsel for the petitioner that the Courts below did not appreciate the evidence on record of Dr. Satish Kumar, who specifically admitted the fact that the document was forwarded vide memo No.2395 dated 31.1.2011, consequently, it is amply clear that the original alleged affidavit was taken into custody on 16.2.2011 and the document which was forwarded to the laboratory was a photostat and the judgment while relying upon the report is illegal in the eyes of law.

5. It is further submitted that the Courts below failed to appreciate the evidence of the complainant in which complainant specifically admitted that the petitioner was not having any knowledge regarding the bank loan on the property and in the cross-examination the complainant admitted that the petitioner was cheated by the previous seller i.e. Surender and Kusum Lata. It is further submitted that PW-6 during the cross-examination, admitted that the loan was sanctioned on 12.01.2009 in the name of Surender Kumar and Kusam Lata. He further admitted that no application or any other document was given to the bank regarding the transfer of the loan neither petitioner or his wife signed any document of the bank and it is abruptly clear that the petitioner was not having any knowledge regarding the loan. It is further submitted by the counsel for the petitioner that it is a settled law that in case of cheating, fraudulent or dishonest intention is to be shown right at the beginning and in the present case there is no iota of

evidence which suggest that the petitioner is having any knowledge or any intention regarding the loan which was sanctioned in the name of Surender Kumar and Kusam Lata, previous seller. It is submitted by the counsel for the petitioner that the prosecution failed to prove the intention of cheating and failed to prove its case under the ambit of the definition of cheating, moreover none of the ingredients were fulfilled hence the judgments passed by the Courts below are not sustainable in the eyes of law and liable to be set aside.

6. The learned State counsel while replying upon the aforesaid judgments passed by the Courts below has submitted that the same have been well-reasoned judgments, based on facts and evidence. State counsel further submits that signatures of petitioner were present on the sale deed in dispute on behalf of the purchaser, his wife Darshan Kaur and the petitioner swore an affidavit on 26.4.2010 to the effect that he would repay the loan of the bank on the property and thereafter the property was sold to the complainant later on by misrepresentation that there was no charge on the property or any loan outstanding. State counsel further submitted that the learned trial Court rightly held that the petitioner had the knowledge of outstanding loan on the property sold to complainant and committed cheating with the complainant and prayed that the criminal revision be dismissed.
7. I have considered the submissions made by counsel for the parties and perused the record minutely.
8. The learned Courts below has dealt with the matter in their respective judgment in considerable details and the reasoning is based on correct

appreciation. The petitioner has not disputed the sale deed dated 31.3.2010, wherein his signatures are present as a vendee and of his wife Darshan Kaur. The petitioner has nowhere disputed during trial that photocopy of the sale deed was not genuine and when the execution of sale deed is not denied, the petitioner is estopped from raising the plea that the comparison of the questioned signatures with the signatures on sale deed was bad. Law is fairly well settled that the Court can act as an expert too. Section 73 of the Evidence Act expressly enables the Court to compare disputed writings with admitted or proved writings to ascertain whether the writing is that of the person by whom it purports to have been written. Even the complainant in his cross-examination stated that the deal between him and the petitioner was finalized by one Devender Kumar and the petitioner told him that it was he who had been cheated. Intention of the accused to cheat can well be deciphered from his affidavit dated 26.4.2010 read with sale deed and the ingredients of the offence under Section 420 IPC has been correctly ordered and there is no ground to interfere with the well reasoned judgments.

9. In view of the above, the criminal revision petition sans merit and is hereby dismissed.

17.5.2023
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(SANDEEP MOUDGIL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No