

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

253

CRR-1977-2019 (O&M)
Date of decision: 26.07.2023

Biru Ram

...Petitioner

Versus

Sunil Kumar and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Vikas Chaudhary, Advocate for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Challenge in the present petition is to the judgment dated 05.11.2015 passed by the learned Chief Judicial Magistrate, Kaithal, whereby the accused was acquitted from the charges and judgment dated 18.04.2019 passed by the learned Additional Sessions Judge, Kaithal, whereby the appeal preferred against judgment dated 05.11.2015 was dismissed.

Learned counsel for the petitioner submits that there is a specific averment in the sale deed dated 21.05.2010 that Sanjeev Kumar son of Brij Lal, has been in the possession of land in question since the year 2005 but the actual fact is that the land has been in possession of petitioner-Biru Ram since the year 1991 and that till date no FIR has been registered against Sunil and Vikas and that they are hands in gloves with the each other.

I have heard the learned counsel for the petitioner and have also gone through the paper-book.

The learned trial Court has rightly discussed in the judgment dated 05.11.2015 that petitioner-complainant/Biru Ram has not filed any civil suit against Sanjeev Kumar seeking possession of the land. The sale deed was registered on 21.05.2010 and non-filing of the civil suit against the subsequent vendor Sanjeev Kumar seeking possession also cast doubt upon the prosecution version that forgery and cheating has been committed by the accused person. Even the boundaries mentioned in the sale deed No. 1296/1 dated 21.05.2010 do not tally with the sale deed No. 8072/1 dated 22.03.1981 in favour of the petitioner-complainant and the same view has been taken by the learned Appellate Court.

Finding no merit in the present petition, the same is dismissed.

(HARNARESH SINGH GILL)
JUDGE

26.07.2023
Mangal Singh

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