

2024:PHHC:158438



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

**CRR-327-2022 (O&M)  
RESERVED ON: 30.08.2024  
PRONOUNCED ON:25.11.2024**

**CHARANJIT SINGH @ CHARANJEET SINGH SANDHU**

**.....PETITIONER**

**VERSUS**

**STATE OF PUNJAB**

**.....RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.**

Present: Mr. Akbarjit Singh, Advocate  
for the petitioner (through VC).

Mr. J.S. Rattu, DAG, Punjab.

**SANDEEP MOUDGIL. J.**

1. The present revision petition has been preferred against the impugned judgment dated 08.11.2021 passed by Additional Sessions Judge, Jalandhar dismissing the appeal filed by the petitioner against the judgment of conviction and order of sentence dated 16.10.2017 passed by Judicial Magistrate Ist Class, Jalandhar in FIR No.83 dated 05.08.2010, registered under Sections 419, 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 (for short 'IPC') at Police Station Navi Baradari, Jalandhar.

2. The petitioner was sentenced as under:-

**Under Section Sentence**

419 IPC To undergo RI for a period of three years.

465 IPC To undergo RI for a period of two years.

467 IPC To undergo RI for a period of three years along-with fine to the tune of Rs.1000/-. In default of payment of fine, the convict shall be liable to undergo further imprisonment for

a period of 15 days.

**Note**

All the sentences were ordered to be run concurrently.

2. Factual matrix of the case, are that Shingara Ram filed an application, claiming that unidentified individuals had prepared a fake General Power of Attorney under his guise and attempted to sell his 60-marla plot in Ladhewali, Jalandhar. The General Power of Attorney was executed in favour of Harjinder Singh, son of Balwant Singh, according to the findings of an investigation carried out by the Assistant Commissioner of Police, Model Town, Jalandhar. It was discovered throughout the investigation that Harjinder Singh does not reside at the address listed in the General Power of Attorney. The impersonator of Shingara Singh stated that he was unable to participate in the investigation because of his incomplete address. Pritam Dass Lamberdar and Gobind Rai, two witnesses of the General Power of Attorney, were called in and testified that they had signed the document at Ashwani Kumar and Vasika Naweess' request. According to Gobind Rai, none of the accused are people he knows. That on October 6, 2009, original owner Shingara Ram transferred the 60 Marlas, Ladhewali, Jalandhar property listed in the General Power of Attorney to his wife. In order to obtain his signatures as a witness on the General Power of Attorney, the accused Harjinder Singh, son of Balwant Singh, and other accused who had assumed the name of Shingara Ram presented bogus identification documents. Based on the investigation, a formal FIR was registered.

3. On presentation of challan, as per under Section 207 Cr.P.C. copies of challan and other documents were supplied to the accused free of costs.

4. On finding a *prima facie* case for the commission of offences under Sections 419, 420, 465, 567, 468, 471 and 120-B of IPC, charges were framed accordingly, to which he pleaded not guilty and claimed trial and was ultimately convicted.

5. To prove its case, the prosecution examined as many as eight prosecution witnesses, therefore, prosecution evidence was closed by order.

6. Statement of the accused under Section 313 Cr.P.C was recorded wherein, all incriminating substances were put to him, to which he pleaded innocence and false implication. No evidence was lead by him in his defence and closed it.

7. After hearing learned counsel for the parties and gone through the record available with the trial Court, learned trial Court has convicted and sentenced the petitioner vide its judgment of conviction and order of sentence dated 16.10.2017, as detailed in para 2 of the judgment above. Aggrieved against the same, the petitioner has filed the appeal before the First Appellate Court, which was also dismissed vide judgment dated 08.11.2021. Hence, the present revision petition.

8. Learned counsel for the petitioner has contended that the trial court and the First Appellate Court made their decisions based on assumptions and speculations. Both lower courts have overlooked the fact that complainant Shingara Ram has never testified in court and that the complaint that served as the foundation for the FIR was not supported by any evidence in the file. Furthermore, PW-1 Sewa Ram has unequivocally acknowledged that he does not know the accused and has not seen the purported power of attorney. Additionally, the prosecution has not

demonstrated that the complainant was outside of India when the general power of attorney was executed. The prosecution has the burden of proving the photograph on the purported general power of attorney.

9. Learned State counsel has contended that the petitioner has challenged a well reasoned judgment, which is based upon proper appreciation of facts and evidence, therefore, requires no interference of this Court.

10. Heard.

11. According to the prosecution, the petitioner and his co-accused deceived the complaint by falsifying the complainant's Mukhtiarnama. Sewa Ram's allegation that his brother Shingara Ram lives in England and that his brother bought a 60-marla plot in Ladhewali, which is located in khasra Nos. 21//31/2, 32//1, was recorded during the investigation. Investigation revealed that Jang Bahadur @ Sodhi and Sunil Kumar, the deed writer, had falsified the General Power of Attorney in collusion with petitioner Charanjit Singh. Charanjit Singh's picture is affixed on the aforementioned General Power of Attorney as Shingara Ram, and he signs the document on behalf of his friends. On 06.07.2009, Gobind Rai, a witness to a General Power of Attorney, testified that Sunil Kumar (Arzi Naweess) and Jang Bahadur @ Sodhi appeared before him at Tehsil Complex with two others and requested him and Pritam Dass to sign as witnesses, which they did. But later on Gobind Rai discovered that Shingara Ram was the original plot owner and Charanjit Singh had replaced Shingara Ram's photo on the General Power of Attorney. Thereafter, Jang Bahadur @ Sodhi and Sunil Kumar made disclosure statements. PW-1/Sewa Ram further testified that

Sunil Kumar, Jang Bahadur, Charanjit Singh, and Ravinder Singh forged the

General Power of Attorney. Charanjit Singh impersonated Shingara Singh, signing and pasting his photo and Ravinder Singh signed as attorney holder. Charanjit Singh (petitioner) has also not disputed the photograph pased on general power of attorney Ex.PW-3/A and the onus to prove the said fact is with the petitioner himself as to under which capacity he had appeared as Shingara Ram before Sub Registrar at the time of execution of general power of attorney Ex.PW-3/A, which is sufficient for this Court to infer that the petitioner impersonated himself as Shingara Ram before the Sub Registrar on 06.07.2009.

12. In view of the discussion made hereinabove, this Court is of the considered view that while convicting the petitioner, the trial Court has passed a well reasoned order, which requires no interference of this Court.

13. Dismissed.

25.11.2024

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(SANDEEP MOUDGIL)  
JUDGE

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