

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

CRR-3142-2016(O&M)

Date of Decision:-12.03.2024

Harjinder Singh.

.....Petitioner.

Vs.

Bhupinder Singh & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Sukhmeet Singh, Advocate for the Petitioner.

Mr. Deepinder Singh Brar, Senior Deputy Advocate General,
Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The instant revision petition has been preferred by the petitioner-complainant against the judgment dated 22.04.2016 passed by the Additional Sessions Judge, Faridkot whereby the judgment of acquittal dated 04.11.2014 passed by Judicial Magistrate Ist Class, Faridkot has been upheld.

2. The Case of the prosecution as briefly stated is that an application was moved by Harjinder Singh son of Kashmir Singh, to SHO PS City Kotkapura, to take action against Bhupinder Singh son of Gurcharan Singh at PS City Kotkapura. It was stated that the complainant was a resident of Mohalla Ram Garhia Kotkapura and was running a saw Mill at Jiwan Nagar Kotkapura. It was further averred in the said application that he had installed a Saw Mill, in which there are two saw machines/cutter from Batala. He had purchased an electric motor from Balkaran Singh and Bhupinder Singh was witness to the receipt of purchase of the motor. Bhupinder Singh accused had got the machinery of Saw Mill transferred in his name by intoxicating the complainant with liquor and he came to know afterwards that Bhupinder Singh was trying to get a licence in his name and

had applied to the DFO, Muktsar, in which he had filed forged documents. However, the original bills of the Saw Mill as well as the machinery installed therein, were in the possession of the complainant. A prayer for taking legal action against the accused, was made.

3. On the said complaint, police proceedings were conducted and there-after the supplementary statement of complainant Harjinder Singh was recorded in which he stated that in the forms submitted by Bhupinder Singh before the Divisional Forest Officer, Muktsar, he had attached a receipt dated 09.10.1993 issued by Gurmeet Singh son of Mukhtiar Singh, which was in the hands of Bhupinder Singh. The signatures on the receipt purported to be those of Gurmeet Singh, were also in the hands of Bhupinder Singh as in the year 1993, Revenue stamps of 20 Paise were in usage and no stamp of Rs.1/- was available whereas on the receipt, stamp of Rs.1/- was affixed showing thereby that Bhupinder Singh had forged the receipt to get the licence in his favour from DFO Muktsar. Finally, a prayer for taking legal action against the accused was made.

4. On conclusion of the investigation the report under Section 173(2) Cr.PC was submitted and charges were framed for offences punishable under Sections 420, 511, 468, 471 IPC. On culmination of the Trial the accused was acquitted by the court of Judicial Magistrate Ist Class, Faridkot vide judgment dated 04.11.2014.

5. The petitioner-complainant Harjinder Singh preferred an appeal before the Court of Additional Sessions Judge, Faridkot and the said appeal came to be dismissed vide judgment dated 22.04.2016.

6. The aforementioned judgments are under challenge in the present revision petition.

7. The Counsel for the petitioner-complainant contends that the courts below had wrongly come to the conclusion that the receipt dated 09.10.1993 was not a forged document. The Trial Court had erred in closing the evidence by order whereas it was on record that PW Gurmeet Singh the alleged scribe of the receipt dated 09.10.1993 had been summoned through ordinary summons and due to his non appearance, his bailable warrants had been issued but once again Gurmeet Singh did not appear but was not summoned through non bailable warrants. This necessitated the filing of an application under Section 391 Cr.PC which had been wrongly dismissed. In fact, the Trial Court had wrongly ignored the statement of the petitioner and

other witnesses which clearly established the commission of the offence in question. He therefore, contends that the impugned orders were liable to be set aside and the respondent no.1 ought to be convicted for having committed the offences in question.

8. The Counsel for the State on the other hand contends that no fault could be found with the well reasoned judgments of the Trial Court and the lower Appellate Court. The case of the prosecution could not be proved beyond reasonable doubt. Therefore, the present petition was liable to be dismissed.

9. I have heard learned Counsel for the parties.

10. A perusal of the file would reveal that the case of the prosecution is unbelievable and is based on conjectures and surmises. The forged receipt purportedly executed by Gurmeet Singh could not be proved as the said witness was not examined by the prosecution despite ample opportunities to do so.

11. In view of the above discussion, I find no ground to interfere with the well reasoned judgment of acquittal recorded by the Judicial Magistrate Ist Class, Faridkot which has been upheld by Additional Sessions Judge, Faridkot. Resultantly, the revision petition stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

March 12, 2024
Vinay

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