



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

226

CRM-A-2112-MA-2018 (O&M)  
Date of decision: November 8<sup>th</sup>, 2024

Raj Pal

.....Applicant

Versus

Harvinder Singh and others

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Gurasis Singh, Advocate  
for Mr. Saurabh Dalal, Advocate  
for the applicant.

**MANJARI NEHRU KAUL, J.**

**CRM-34781-2018**

Prayer in this application is for condonation of delay of  
26 days in filing the application for leave to appeal.

For the reasons mentioned in the application, the same is  
allowed.

Delay of 26 days in filing the application stands condoned.

**CRM-A-2112-MA-2018**

The present appeal is directed against the judgment dated  
27.03.2018 of the trial Court, which acquitted the accused of all charges  
under Sections 406, 419, 420, 467, 468, 471, 506 and 34 of the IPC.  
After thoroughly reviewing the case file, submissions of the learned  
counsel, and evidence on record, this Court has no hesitation in holding  
that the impugned judgment does not warrant any interference for the  
reasons to follow.

2. The complainant/applicant operates at depot in the Village of Dhansoli distributing essential commodities to ration card holders under the terms of his licence. In the complaint filed by the complainant, he alleged that the Gram Panchayat led by the Sarpanch, filed a complaint against him on 22.02.2011, accusing him of irregularities in distribution. The complainant alleged that the complaint by the Gram Panchayat was made against him on account of personal rivalry arising from his opposition to the Sarpanch during the Panchayat elections. The complainant further claimed that the accused forged thumbprints of deceased persons to support their allegations, an act constituting deliberate forgery. The complainant also asserted that the Sarpanch, along with the other accused, conspired to forge documents, including resolutions and a list of ration card holders, which led to the suspension of his licence by the Food and Supply Authorities. However, the complainant successfully appealed this suspension, and the Deputy Commissioner of Panipat reinstated his licence and security deposit on 22.12.2012. After the complainant filed the complaint in question, the accused were summoned to face trial under Sections 468 and 471 of the IPC. During the pre-charge evidence, the complainant examined several witnesses, including Om Prakash (CW-1), himself (CW-2), Jitender Singh (CW-3), Ved Prakash (CW-4), Ranbir (CW-5), Ishwar Singh (CW-6), and Food and Supply Inspector Manju Bala (CW-7). On 06.10.2016, the pre-charge evidence was closed, and on 09.09.2017, as a *prima facie* case was made out against the accused, they were formally charged for offences under Sections 468 and 471

read with Section 34 of the IPC.

3. While leading evidence before the trial Court, although the complainant reiterated the allegations made in the complaint in question, however, no forensic evidence, such as handwriting or fingerprint analysis, was presented to substantiate these claims. Moreover, no complaint was made by the families of the deceased persons regarding the alleged forgery.

4. During trial, the accused denied the allegations and maintained that they were falsely implicated due to political rivalry. In defence, they examined Jasmer Singh (Ex. Sarpanch) and Ranbir Singh as their witnesses, and also led evidence related to an election petition involving the nephew of the complainant. The defence witnesses supported the case of the accused, further challenging the credibility of the claims of the complainant.

5. Upon a careful review of the impugned order and evidence led before the trial Court, this Court finds that the conclusions drawn by the trial Court are sound and well reasoned ones. The failure of the complainant to verify the alleged forged signatures or thumbprints with forensic experts, coupled with the lack of evidence supporting the allegation of forgery, significantly undermines the case of the prosecution. Furthermore, there was no application for analysis by expert, and no action was also taken to inform the authorities about the alleged forged identities of the individuals, who had died. The political rivalry between the complainant and the accused, though evident, does not provide sufficient cogent grounds to establish the guilt of the

accused. Additionally, the defence witnesses and the judgment of the election petition (Exhibit DX) corroborates the claim of the defence that the allegations levelled by the complainant were politically motivated.

6. The complainant, therefore, failed to establish the guilt of the accused beyond a reasonable doubt, resultantly, the alleged offences of forgery and conspiracy were not proven.

7. In the light of the foregoing discussion, this Court does not find any merit in the present application for leave to appeal.

8. The application stands dismissed.

9. The acquittal of the accused is upheld.

November 8<sup>th</sup>, 2024  
Puneet

(MANJARI NEHRU KAUL)  
JUDGE

Whether speaking/reasoned

:

Yes

Whether reportable

:

No