

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

**210**

**CRR-452-2025 (O&M)**

**Date of Decision: 05.12.2025**

Nirmal Singh

...Petitioner.

Versus

State of Punjab and another

....Respondents.

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**CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

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**Present:** Dr. Naveen Sheokand, Advocate  
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

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**Sukhvinder Kaur, J.**

The instant revision petition has been filed by petitioner against the findings recorded by both the Courts below wherein the petitioner preferred appeal before the Court of learned Sessions Judge, Hoshiarpur, which was dismissed vide judgment dated 25.11.2024.

2. The brief facts relevant for the adjudication of the present revision petition are that an application was moved by the complainant Nirmal Singh on the basis of which the present FIR No.18 dated 18.12.2014, under Sections 447 and 427 IPC at Police Station NRI, Hoshiarpur was registered. The complainant alleged in his complaint that accused Kamaljit Singh has illegally occupied the land of the complainant measuring 3 kanal 10 marlas, comprising in khasra No.15//20 measuring 7 kanal 12 marlas, detailed in the revenue record produced by the complainant. Darshan Singh had sold the said land measuring 3 kanal 10 marlas to accused/ respondent No.2 Kamaljit Singh on 30.07.2012, which

was in his possession. The complainant had planted Eucalyptus trees over his land, which had been uprooted by the accused, causing loss to the tune of Rs.1,00,000/-. It was alleged that respondent No.2 not only occupied the said land of Darshan Singh but also occupied 3 kanal 10 marlas of land belonging to the complainant. The said land was partitioned on 15.06.1957, which was claimed by the complainant to be his ancestral property. They also took the accused before the panchayat, but in vain. Further apprehension was that another plot of land measuring 10 marlas was also intended to be illegally occupied by respondent No.2. On the basis of aforesaid complaint, investigation was carried out. During investigation, it was found that respondent No.2 had occupied the land of the complainant by forcibly ploughing the same. FIR was registered. Accused was arrested. Statements of witnesses were recorded. The tractor alleged to have been used in the occurrence was taken into police possession. After completion of all the formalities, challan was presented before the Court.

3. After finding a prima facie case against the accused, he was charge-sheeted for the offence punishable under Sections 447 and 427 of IPC, to which he pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution has examined PW1 Swaran Singh, PW2 Harnam Singh, PW3 ASI Rakesh Kumar, PW4 Amarjit Kaur (Jr. Assistant), PW5 Darshan Chand, PW6 Jog Raj, Patwari, PW7 Inspector Satnam Singh, PW8 Avtar Singh, PW9 Nirma, Singh, PW10 Rajesh Kumar, Sr. Assistant and PWs HC Sukhwinder Singh, MHC Gulshan Kumar and SI Balwinder Singh were given up.

5. Statement of accused under Section 313 Cr.P.C. was recorded

in which, all incriminating evidence was put to him, which he denied and pleaded innocence and false implication. However, no defence evidence was led by the accused.

6. After considering the evidence on record, learned trial Court found the same to be woefully insufficient to convict the accused who was accordingly acquitted of the offences for which he had been charge-sheeted, vide impugned judgment dated 10.11.2017.

7. Aggrieved of the said decision, the petitioner preferred appeal before the Court of learned Sessions Judge, Hoshiarpur, which was dismissed vide judgment dated 25.11.2024. Still feeling aggrieved, the petitioner has approached this Court by way of present Revision Petition.

8. Learned counsel for the petitioner contended that the Courts below wrongly acquitted the accused/ respondent No.2 and did not take notice of the fact that respondent no.2 had not proved the ownership or possession over the land in question. The prosecution evidence has not been properly appreciated. Statement of PW5- Darshan Singh, PW6-Jog Raj, PW7-Inspector Satnam Singh, PW8-Avtar Singh and PW9-Complainant Nirmal Singh have been overlooked, who have supported the case of the prosecution and stated that the land comprising in khasra No.15//20 was owned by the petitioner and prior to that it was jointly owned by the ancestors of the petitioner and the said land had been partitioned in the year 1957. Both the Courts below have wrongly relied upon the revenue records while ignoring the material evidence of aforesaid prosecution witnesses. He urged that it is a trite law that the mutation entries neither confer title nor are conclusive proof of ownership and are crucial only for the revenue and tax

collection purposes. The revenue record cannot decide the title over a property. He also argued that these revenue entries are existing since old times and partition dated 15.06.1957 was never got entered into the revenue record, so the exact position regarding possession was never reflected in the revenue record. Even, if name of the complainant was not shown in the revenue record as to be in possession of above said khasra number, even then accused was bound to take possession only in due course of law after the partition. He submitted that findings given by the Courts below are perverse and the impugned judgments are not sustainable in the eyes of law and it has been prayed that the impugned judgments be set aside and accused be convicted as per law for the offences charged with.

9. I have heard learned counsel for the petitioner and have gone through the relevant record.

10. Complainant Nirmal Singh claimed to be owner in possession over land measuring 3 kanals 10 marlas comprised in khasra No.15//20. As per the allegations respondent No.2 allegedly illegally trespassed into the land of the complainant and also caused mischief by destroying the eucalyptus plants and some vegetables standing upon the said land. It was alleged that the accused was in possession of over specific portion of said land and the portion which was allegedly occupied thereafter by the accused was actually in possession of the complainant.

11. Jamabandi for the year 2011-2012 pertaining to village Sajjan was produced on record by the prosecution. As per this jamabandi, complainant was recorded as one of the owners/ co-sharers in the land in dispute, whereas his name was not reflected in the column of cultivation of

any portion of khasra No.15//20. However, name of Darshan Singh from whom accused had purchased the land, figured both in the ownership as well as in the cultivation column. Then, Courts below have rightly observed that the basic premise upon which the complainant had levelled allegations of trespass and mischief against the accused becomes doubtful, when the complainant was not shown to be in possession over any portion of khasra No.15//20, as per revenue record. After purchasing land out of khasra No.15//20 from Darshan Singh, the accused also became a co-sharer in the said land. It is settled law that every co-sharer is deemed to be in possession of every inch of land, which is joint between the parties. So, in this eventuality, the allegation of criminal trespass by the accused over the land, which he had purchased from one of the co-sharers, is not proved.

12. At the given time, the land was stated to be in possession of PW1 Swaran Singh, who as per the complainant had taken the said land from him on lease and sown brinjal crop over the same, when the crop was allegedly ploughed by the accused. While appearing into the Court Swaran Singh had denied that any such crop was ploughed by the accused and rather showed his ignorance about any such occurrence. He was declared hostile but even during his cross-examination he did not support the prosecution version. PW2 Harnam Singh also did not support the prosecution version and he was also declared hostile.

13. It has been rightly observed by the Courts below, that from deposition of the complainant as well as Darshan Singh, the vendor of the accused, land continued to be joint and the parties remained co-owners in the said land, including khasra No.15//20. Though the partition is claimed to

have taken place way back in 1957, but the same has not been got incorporated in the revenue record. PW9 also did not produce alleged family settlement pertaining to the year 1957 before any revenue officer for incorporating the same in the revenue record. Thus, the Courts below have rightly held that the revenue record does not corroborate the version as put forth by the prosecution. PW1 and PW2 have also not supported the prosecution version. Thus, evidence is lacking in this respect that Kamaljit Singh had entered into illegal possession of land belonging to PW9 Nirmal Singh and committed mischief.

14. There being no illegality or infirmity in the impugned orders passed by both the Courts below, no interference therewith is called for while exercising the revisional jurisdiction by this Court. The present revision petition being bereft of any merits stands dismissed.

15. All pending applications, if any, also stand disposed of accordingly.

**(SUKHVINDER KAUR)**  
**JUDGE**

**05.12.2025.**

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|----------------------------|---|---------|
| Whether speaking/ reasoned | : | Yes/ No |
| Whether Reportable         | : | Yes/ No |