



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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Criminal Revision No.248 of 2008
Date of decision: September 17th, 2025

Parkash Singh and another
.....Petitioners
Versus
State of Punjab
....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Muskan Sharma, Advocate (*Amicus Curiae*)
for the petitioners.
Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J.

This revision petition has been preferred by Parkash Singh and Ram Piara assailing the judgments of conviction and order of sentence dated 2502.2006 passed by the learned trial Court and affirmed by the learned Appellate Court vide judgment dated 28.01.2008, whereby both the petitioners were held guilty under Sections 419, 420, 468 and 471 read with Section 120-B of the IPC and sentenced to undergo imprisonment as follows:

Offence(s) under Section	Period of sentence	Fine imposed	Period of sentence in default of payment of fine
419 r/w 120-B of the IPC	2 years	₹1,000/-	SI for 15 days
420 r/w 120-B of the IPC	2 years	₹1,000/-	SI for 15 days
468 r/w 120-B of the IPC	2 years	₹1,000/-	SI for 15 days

471 120-B the IPC	r/w of	2 years	₹1,000/-	SI for 15 days
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2. All the sentences were ordered to be run concurrently.

3. Learned *Amicus Curiae* appearing for the petitioners has contended that both the Courts below erred in convicting the petitioners as the prosecution failed to establish its case beyond reasonable doubt. It was urged that the petitioners were merely attesting witnesses to the impugned sale deed and had no role in the preparation or execution of the document. Learned counsel further submitted that the principal accused, Gurmeet Singh, who had impersonated the true owner and was the direct beneficiary of the forged transaction, has since expired. In these circumstances, the conviction of the petitioners under Section 120B of the IPC is argued to be unsustainable. It has also been pointed out that the learned Appellate Court had already acquitted the petitioners of the charges under Sections 468 and 471 of the IPC and in the absence of conviction of the principal accused under Section 420 of the IPC, the provisions of Section 120B of the IPC could not be invoked against them.

4. *Per contra*, learned State counsel has supported the concurrent findings of conviction. It was submitted that the evidence on record clearly demonstrates that the petitioners were not innocent signatories but active participants in the conspiracy which led to the execution and registration of a forged sale deed in respect of land belonging to a dead person. The prosecution witnesses, documents, and the inquiry report of the District Revenue Officer leave no manner of doubt about their complicity.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. As per the case of the prosecution, Hukam Singh, resident of Mohali, submitted an application to the District Revenue Officer, Ropar, alleging that Gurmeet Singh had fraudulently executed a sale deed dated 24.03.1994, in respect of land measuring 11 *kanals*, 12 *marlas*, belonging to one Gurdial Singh alias Gurdarshan Singh. Upon inquiry, it transpired that Gurdial Singh had, in fact, died on 30.09.1979, long before the alleged execution of the sale deed.

7. The DRO submitted his report to the District Magistrate, who in turn directed the registration of a case. The FIR was accordingly registered against Gurmeet Singh (the impersonator), and the present petitioners, Parkash Singh (Lambardar) and Ram Piara, who were shown to be attesting witnesses to the forged document.

8. Investigation revealed that prime accused Gurmeet Singh, in conspiracy with the petitioners, had procured impersonation of the deceased Gurdial Singh and, on that basis, secured attestation and registration of the sale deed. Upon completion of investigation, challan was presented and charges under Sections 120B, 419, 420, 468 and 471 of the IPC were framed against all the accused.

9. The prosecution examined 12 witnesses and proved various documents including the death certificate of Gurdial Singh, the impugned sale deed, the inquiry report of the DRO, *jamabandi*, and mutation records. Both the Courts below on appreciation of the evidence, held that the petitioners, in conspiracy with prime accused Gurmeet Singh, facilitated execution of a forged document in the name of a person who had expired long before. Both petitioners were accordingly convicted and sentenced as already noted earlier.

10. On a perusal of the material on record and this Court does not find any illegality, perversity or material irregularity in the concurrent findings recorded by the Courts below.

11. The contention of the petitioners that they were merely attesting witnesses does not inspire confidence. The circumstances of the case, particularly the execution of a sale deed in the name of a person who had expired nearly 15 years prior, the participation of the petitioners as Lambardar and co-villager respectively, and the supporting evidence of prosecution witnesses, prove that their role was not passive but active in facilitating the fraudulent transaction.

12. The argument that the principal beneficiary, Gurmeet Singh, has since expired does not exonerate the petitioners of liability. Criminal conspiracy under Section 120-B of the IPC is an independent offence, and once participation is proved, conviction can stand irrespective of the status of other conspirators. Similarly, acquittal on certain allied charges does not obliterate. Their culpability in the conspiracy proved against them.

13. In view of the above, this Court has no hesitation to hold that both the Courts below rightly held the petitioners guilty under Section 120-B of the IPC. The findings are based on proper appreciation of oral and documentary evidence and call for no interference in the revisional jurisdiction.

14. At this stage, learned counsel for the petitioners has prayed for leniency in the matter of sentence, pointing out that the petitioners have been facing trial since 1998 and are not involved in any other case. Considering the protracted proceedings, their age, and the fact that they have already

suffered the ordeal of litigation for more than two decades, it is directed that the sentence awarded to the petitioners be reduced to the period already undergone by them.

15. Having regard to the aforesaid circumstances, including the long passage of time since the registration of the FIR, and the period of imprisonment already undergone, this Court is of the considered opinion that the ends of justice would be adequately met by reducing the substantive sentence to the period already undergone by the petitioners.

16. Accordingly, while upholding the conviction of the petitioners, the substantive sentence of two years imprisonment awarded to them is hereby reduced to the period already undergone.

17. There shall be no modification with regard to fine.

18. With the aforesaid modification in the quantum of sentence, the revision petition stands disposed of.

September 17th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No