

**CRR-2251-2016 (O&M)****1****248****IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****CRR-2251-2016 (O&M)
Date of Decision: 26.03.2025****AVTAR SINGH****...Petitioner****Versus****SATNAM SINGH AND ANOTHER****...Respondents****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Satvinder Singh, Advocate for
Mr. L.M. Gulati, Advocate for the petitioner.

*********Harpreet Singh Brar, J. (Oral)**

1. This revision petition has been filed against the judgment dated 29.03.2016 passed by learned Additional Sessions Judge, Amritsar vide which the judgment of acquittal dated 20.10.2015 passed by learned Additional Chief Judicial Magistrate, Amritsar has been upheld.

2. The brief facts of the prosecution case are that one application was moved by complainant Avtar Singh son of Kehar Singh on 08.05.2012 which was to the effect that Satnam Singh son of Bahadur Singh of Pandori Mehmaan, District Amritsar presently sitting in Farm House at Khuh Telianwala in village Pakhjita District Amritsar has sold his one kanal of land towards East side from Khasra No.114/9/2 min for a sum of Rs.1,98,000/- and received Rs.1,88,000/- from him and kept ten thousands with him with the terms that when Satnam Singh will give physical possession of the sold land then he (complainant) will pay him said Rs.10,000/-. The said land is in possession of one Ajit Singh son of Mohan Singh. Neither he is returning his hard earned money of Rs.1,88,000/- nor he is arranging his physical possession over the said sold land and in this



way he has cheated him. Accordingly, present case was registered against the accused.

3. Having heard the learned counsel for the petitioner and after perusing the record of the case with their able assistance, it transpires that all the witnesses are happened to be formal witnesses and no handwriting expert was examined to prove the fact that there was some thumb impression or signatures of Satnam Singh on subsequent agreement which is placed on record as mark B and there is nothing on record to prove the signatures appearing on mark B with subsequent signatures of PW Shangara Singh, Charanjit Singh and Avtar Singh. Even Investigating Officer has not been examined. The complainant has also not been examined in whose favour sale deed was executed. Further in order to sustain the allegations, the original of the agreement was required to be produced in the Court. Even otherwise, there is no evidence in this regard with respect to comparison of the signatures appearing on Mark 'B' with specimen signatures of PW Shangara Singh and Charanjit Singh and that of Avtar Singh. So in the circumstances, the examination of Investigating Officer was required and his non-examination has caused serious prejudice to the petitioner. Thus, it was rightly recorded that the allegations pertain to civil dispute having been given the colour of criminal nature. Thus, the prosecution had miserably failed to bring home the guilt of the accused-respondent No. 1 beyond any reasonable doubt and he was acquitted.

4. The power of the Appellate Court to unsettle the order of acquittal on the basis of re-appreciation of the evidence is subject to the settled law that where two views are possible and out of the two, one points towards the innocence of the accused, the view which favours the accused should prevail



over the other pointing towards his guilt. Furthermore, the trial Court has the additional advantage of closely observing the prosecution witnesses and their demeanour, while deciding about the reliability of the version of prosecution witnesses. (See **H.D. Sundara and others Vs. State of Karnataka, Criminal Appeal No.247 of 2011 decided on 26.09.2023; Kali Ram v. State of H.P., 1973 (2) SCC 808 and Chandrappa and others v. State of Karnataka, (2007) 4 SCC 415**). A Division bench of this Court in the judgment of **State of Haryana Vs. Ankit and others** passed in CRM-A No.3 of 2022 decided on 06.07.2023 has held that presumption of innocence further gets entrenched on the acquittal of accused by the trial Court.

5. In view of the facts and circumstances of the case, this Court finds that learned counsel for the petitioner has failed to point out any perversity or illegality in findings recorded by the learned Court below which warrants interference by this Court. As such, there is no merit in the present revision petition and hence, the same is hereby dismissed.

6. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

26.03.2025
Ajay Goswami

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No