



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRR-3263-2018 (O&M)

Date of decision: 08.12.2025

Raj Singh

...Petitioner(s)

VERSUS

Mahant Gurbachan Singh and another

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Daljeet Singh Kahlon, Advocate for the petitioner(s)
(through V.C.)

Ms. Savi Nagpal, AAG Punjab.

VINOD S. BHARDWAJ, J. (Oral)

CRM-34539-2018

The instant application has been filed for condonation of delay of 102 days in filing the accompanying criminal revision petition.

For the reasons mentioned therein, the application is allowed. Delay of 102 days in filing the accompanying criminal revision petition is hereby condoned.

Main case:

The instant criminal revision has been preferred against the judgment of acquittal dated 06.11.2017 passed by the learned Additional Sessions Judge, Amritsar, whereby the appellate Court has set aside the judgment of conviction dated 20.02.2017 rendered by the learned Additional Chief Judicial Magistrate, Amritsar.



2. Briefly stated, the facts giving rise to the present proceedings are that FIR No. 81 dated 22.12.2010, under Section 420 of the Indian Penal Code, 1860, came to be registered at Police Station Chattiwind on the basis of a complaint lodged by Raj Singh, son of Swaran Singh, who is the petitioner before this Court. The complainant asserted that he is serving as the President of the Shree Guru Granth Sahib Dharamshala Committee (hereinafter referred to as “the Dharamshala”), which is recorded as the owner of approximately 16 acres of land situated in Village Varpal, as reflected in the Jamabandi for the year 1960–61. The complainant claimed that the accused, Gurcharan Singh, had fraudulently executed a forged sale deed dated 22.09.2000 to convey 2 marlas of the said land on the basis of mutation No. 7543 in favour of one Bali Singh Bhaggu, son of Ajit Singh, resident of Village Varpal, District Amritsar, despite having no lawful authority or right to effect such a transfer.

3. Upon completion of the investigation, the police submitted the final report under Section 173 of the Code of Criminal Procedure. Consequent thereto, charges were framed against the accused person, to which he pleaded not guilty and claimed trial. The parties thereafter led their respective evidence.

4. The prosecution examined as many as following six witnesses:-

PW-1	Raj Singh
PW-2	Balbir Singh
PW-3	Parshotam Singh, IO



PW-4	Rohit Kumar, Junior Assistant, O/o Deputy Commissioner, Amritsar.
PW-5	HC Harjinder Singh
PW-6	Rajesh Kumar, Patwari

5. After examination of the above said witnesses, remaining evidence of the prosecution was closed by order. The statement of accused was recorded under Section 313 Cr.P.C. wherein all the incriminating evidence was put to him, to which he pleaded his innocence and false implication. No evidence in defence was led by the accused.

6. Upon consideration the arguments advanced by the counsels of the parties, the testimonies of witnesses and the evidence placed on record, the Additional Chief Judicial Magistrate, Amritsar, convicted the accused for commission of offence under Section 420 of the Indian Penal Code, 1860 vide judgment dated 20.02.2017 and sentence him to undergo RI for a period of 02 years with a fine of Rs.5,000/- and in default thereof to further undergo RI for a period of 15 days.

7. Aggrieved thereof, an appeal bearing registration No. CRA/110/2017 was preferred by the accused before the Court of Sessions. Vide judgment dated 06.11.2017, the said appeal was allowed and the judgment of conviction dated 20.02.2017 passed by the Additional Chief Judicial Magistrate, Amritsar was set aside by the Additional Sessions Judge, Amritsar. Hence the present revision petition.

8. Learned counsel for the petitioner submits that the Appellate



Court failed to appreciate the well-reasoned and speaking judgment rendered by the Additional Chief Judicial Magistrate, Amritsar, wherein the prosecution case had been established beyond reasonable doubt. He contends that the evidence on record clearly demonstrated that the respondent-accused had committed the offence of cheating by forging and manipulating the records pertaining to the Dharamshala, yet the Appellate Court disregarded these material findings without cogent justification.

9. I have heard the learned counsel appearing for the parties and have gone through the documents appended with the present petition.

10. At the outset, it is apposite to advert to the judgment under challenge rendered by the learned Additional Sessions Judge, Amritsar. The operative part of the same reads thus:-

*“13. Now question comes whether a person selling a land to another person claiming to be owner and executing the sale deed, the offence of forgery or cheating is made out if no complaint is made out by purchaser from that person. The answer to this question has been given by the **Hon'ble Apex Court in Md.Ibrahim & Ors.Appellants Versus State of Bihar & Anr.Respondents,2009(4) RCR(Criminal) page 369.***

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So from the above law laid down by Hon'ble Apex Court, it is clear that if a person executes a sale deed of a property of which he is not the owner, then neither the offence of cheating nor forgery is committed qua owner of the property.



However if the purchaser comes with the complaint, then certainly offence of section 420 of IPC is made out.

14. *Now reverting to the facts of the present case, in this case complaint has been filed by Raj Singh. He is not purchaser from accused/appellant. The purchaser is Bali Singh, who has made no complaint to any authority that accused has executed the sale deed of the land in his favour of which he is not owner or he has no right to execute the sale deed and received money from him. The complainant Raj Singh has moved complaint that Guru Granth Sahib is owner of the property and sale deed has been executed by the accused, thereby offence of cheating has been committed. If these allegations are taken to be gospel truth, then in view of the judgment of the Hon'ble Apex Court, no offence is made out against accused/appellant.*

15. *In view of above discussion, I am of the opinion that judgment and order of sentence passed by the Id.trial Court are patently illegal, perverse and against the settled proposition of law, as discussed above, thus same is not sustainable in the eyes of law. Hence, present appeal is allowed and accused/appellant is acquitted of the charges framed against him. As appeal of the accused has been accepted and he has been acquitted, so there arises no ground for enhancement of the sentence. Hence, appeal filed by Raj Singh appellant-*



complainant for enhancement of the sentence stands dismissed. The fine earlier paid by the accused/appellant is ordered to be refunded to him, as per rules. Accused/appellant is directed to furnish bail bond and surety bond under section 437-A of Cr.P.C within 10 days. Ahlmad is directed to place a copy of this judgment in the separate appeal filed by complainant Raj Singh. Record of the trial court be sent back forthwith. Appeal file be consigned to record room.”

11. It is evident from a perusal of the record that the proceedings were initiated for the commission of an offence under Section 420 of the Indian Penal Code, 1860. The essential ingredients of Section 420 IPC are well-settled in law:

- i) There must be a fraudulent or dishonest inducement of a person;
- ii) The person induced delivers property under inducement;
- iii) The person deceived would not have delivered the property if not so deceived.

12. Thus, for an offence of cheating to stand established, it must be shown that the accused, by means of fraudulent or dishonest representation, intentionally caused the person so deceived to part with property. These foundational elements constitute the core of criminal culpability under Section 420 IPC.

13. In the case at hand, it is undisputed that the property in question was sold to one Bali Singh Bhaggu. Significantly, the said subsequent



purchaser has not initiated any proceedings alleging deception, inducement, or loss occasioned to him on account of the transaction. This aspect assumes relevance, for the law contemplates that the person alleged to have been cheated must demonstrate that he was induced, by fraudulent representation, to part with property or to act to his detriment. Equally, the complainant-petitioner, Raj Singh, does not claim to have been induced to deliver any property and there is no material to suggest that he suffered a wrongful loss corresponding to a wrongful gain to the accused. In the absence of any such inducement or delivery of property at the instance of the complainant, the foundational requirement of “cheating” as envisaged under Sections 415 and 420 of the Indian Penal Code, 1860, remains unfulfilled. Furthermore, the prosecution has been unable to establish the commission of forgery of any document in a manner that would attract the penal provisions relating to falsification of records. In the absence of proof of a forged document capable of causing legal injury, the essential ingredients that must be satisfied to sustain a charge under Section 420 IPC are thus lacking. In view of the above, it becomes evident that the primary ingredients of the offence under Section 420 read with Section 415 of the Indian Penal Code, 1860, are not made out against the accused.

14. Consequently, the judgment rendered by the Additional Sessions Judge, Amritsar, cannot be stated to be flawed or suffering from any infirmity warranting interference. No illegality, impropriety, perversity or misappreciation of evidence or law in the reasoning adopted by the Appellate Court has been pointed out by the counsel for the petitioner.



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Accordingly, the present petition is dismissed.

- 15. Ordered accordingly.
- 16. Pending criminal misc. application(s), if any, stand disposed of.

(VINOD S. BHARDWAJ)
JUDGE

08.12.2025
Mangal Singh

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