

**CRR-1948-2019 (O&M)****-1-****250 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH****CRR-1948-2019 (O&M)****Date of Decision: 05.03.2025****AMARJIT SINGH****...Petitioner****V/S****DHARAM PAL SHARMA AND ANOTHER****...Respondents****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Ankush Verma, Advocate
for the petitioner. (through video conferencing)

Mr. Nitesh Sharma, DAG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. This revision petition has been filed by the petitioner against the judgment dated 30.04.2019 passed by learned Additional Sessions Judge, SAS Nagar Mohali upholding the judgment of acquittal dated 25.07.2016 rendered by learned Judicial Magistrate Ist Class, Dera Bassi in FIR No. 107 dated 06.08.2010 registered under Sections 420, 467, 465, 468 and 471 of Indian Penal Code at Police Station Dera Bassi.

2. The matrix of the facts emanating from the record, in brief, is that complainant-petitioner Amarjeet Singh was working in BSNL, Chandigarh where Dharampal Sharma-accused-respondent No. 1 was also working. In the month of September, 2003, respondent No. 1 showed willingness to sell his plot measuring 350 Sq.yards at village Gulab Garh, Dera Bassi stating that he needs money because he has already entered into an agreement of sale for purchase of land situated at village Raipur-Chandigarh. Respondent No. 1 induced the complainant to purchase plot for Rs.3,50,000/-. However, the sale deed was got registered on the collector

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rate showing the same for Rs. 1,00,000/- on 29.09.2003. Thereafter, S.P. Matharu, the Managing Director of S.P. Spring Factory, Gholumajra tried to raise construction over his plot, claiming his ownership over the plot in question. When complainant-petitioner contacted respondent No. 1 in this regard, he gave copies of affidavits dated 11.03.1998 of Jagir Singh and Satvir Singh, residents of Village Pipal Majra, copy of sale deed dated 16.12.1997 and copy of certificate dated 18.10.1977 and told that the above said plot is his ownership. Petitioner then sought information under Right to Information Act from the office of SDM, Rajpura regarding plot no. 39, measuring 300 square yards of village Bulabgarh and it was informed vide letter dated 12.03.2010 that said plot as per file no. 1744/VI-R dated 20.11.1975 was allotted to one Sewa Singh. Thus, respondent No. 1 forged a false sale certificate in order to cause loss to the petitioner. Petitioner requested respondent No. 1 many times to return his amount of Rs.3,50,000/-, but instead, he threatened to kill the complainant.

3. Having heard the learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that it was incumbent upon the prosecution to firstly prove on record the original of the abovesaid document and then the forgery allegedly committed by the respondent No. 1 with regard to these documents. However, these documents have not been proved on record in the absence of which it cannot be held or commented upon that respondent No. 1 how and in what manner committed forgery of the abovesaid affidavits in order to cheat the petitioner. Further, it has also come on record that the complainant-petitioner is not stating that it is a forged sale deed. He also stated that vide

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Ex. D-1, in the civil suit he got mentioned that Dharampal Sharma also purchased the plot of 50 sq. yards vide agreement to sale. The averments of Ex. D1 as also admitted to be true in the plaint filed by the petitioner of the present case being a plaintiff against SP Matharu and others in his cross-examination further shows that had any cheating or forgery been committed by the accused-respondent No. 1 against the petitioner, then he would not have relied upon for claiming his ownership and possession over the plot being an owner as purchased by the complaint vide Ex. PW-1/A registered sale deed without challenging the sale deed as null and void as executed by the respondent No. 1 on the basis of the sale deed in favour of the petitioner of the present case.

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 passed in **State of Haryana Vs. Ankit and others** passed CRM-A No.3 of 2022 decided on 06.07.2023 has held that



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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 Courts below which warrant interference by this Court. As such, there is no merit in the present petition and hence, the revision petition is dismissed.

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

(HARPREET SINGH BRAR)
JUDGE

05.03.2025

Ajay Goswami

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*