



CRM-M-27693-2017

-1-

254

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-27693-2017

Date of Decision:-12.08.2025

JAGTAR SINGH**.....Petitioner****VERSUS****GURJEET SINGH****.....Respondent****CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present:- Ms. Jasleen Chahal, Advocate (amicus curiae)
for the petitioner.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of the order dated 25.09.2014 (Annexure P-2) passed by the Sub Divisional Judicial Magistrate, Khanna vide which the complaint filed by the petitioner/complainant has been dismissed and further for quashing of order dated 08.02.2017 (Annexure P-4) passed by the Ld. Addl. Sessions Judge, Khanna vide which the revision filed by the petitioner/complainant has been dismissed.

2. The brief facts as emanating from complaint are that accused Gurjit Singh filed a civil suit No. 118 dated 6.6.2002 for permanent injunction with respect to land measuring 9 K-13M situated in village Saharan Majra, Tehsil Payal, District Ludhiana in the Court of ACJ (SD), Khanna. In the said civil suit no summons were received by the petitioner/complainant nor did the petitioner/complainant ever appear in the

**CRM-M-27693-2017****-2-**

said civil suit which was decided on 15.6.2002 by the then ACJ (SD), Khanna. The petitioner/complainant also did not engage any counsel. The accused, with an ulterior motive in order to grab the property of the petitioner/complainant, forged the signatures of the petitioner/complainant on the power of attorney executed in favour of Sh. Rishi Raj Kalia, Advocate. Further, the signatures of Jagroop Singh on the power of attorney in favour of Sh. Rishi Raj Kalia, Advocate and were also forged and he had also not appeared in the said civil suit. On inquiry it was revealed that Sh.Rishi Raj Kalia, Advocate had died. The said power of attorney is signed on 15.6.2002 and on the same day statements of Malkiat Singh and Darshan Singh were recorded who allegedly admitted the claim of the accused. The relations of the petitioner/complainant with Malkiat Singh and Darshan Singh were strained and the petitioner/complainant was residing separately from them. Further, if the petitioner/complainant, Jagroop Singh, Sukhwinder Singh, Gurcharan Singh and Rajinder Singh were present in the court for signing the power of attorney, then their statements ought to have been recorded on 15.6.2002 in the above said civil suit. It shows that these persons were not present on 15.6.2002 and their signatures were forged by Gurjeet Singh accused who was plaintiff in the abovestated Civil Suit. The petitioner/complainant had no knowledge regarding the above said civil suit or its decision and the above said civil suit was decided within a period of 9 days only. The petitioner/complainant came to know about Civil Suit No.118 on 4.2.2010 when his cross-examination in a civil suit bearing No. 328 dated 20.5.2007 was being conducted in the court of ACJ (SD), Khanna. In cross-

**CRM-M-27693-2017****-3-**

examination the power of attorney of civil suit No.118 was put to the petitioner/complainant and thereafter the petitioner/complainant made an inquiry and obtained certified copies. He was surprised to see that Gurjeet Singh accused had forged his signatures on the power of attorney. The petitioner/complainant also met Jagroop Singh, Sukhwinder Singh, Gurcharan Singh and Rajinder Singh who told the petitioner/complainant that they had never authorized and had never engaged Sh. Rishi Raj Kalia as their counsel. The power of attorney was forged by the accused to defeat the legal rights of the petitioner/complainant and to cause loss and damage to the petitioner/complainant.

3. In preliminary evidence, the petitioner/complainant examined CW1 Sukhdev Singh who then produced sale deed dated 3.7.2009 bearing signatures of Jagtar Singh as an attesting witness and he identified the signatures of Jagtar Singh on the same and certified copy of the said sale deed as Ex.CI.

4. CW2 Jagroop Singh deposed that he was never served in civil Suit No.118 dated 6.6.2002 nor he engaged Sh. Rishi Raj Kalia Advocate and he tendered the certified copy of power of attorney as Ex.C3 and his forged signatures as Ex C3/A.

5. CW3 Rajinder Singh also deposed on the same lines that he had never engaged Sh.Rishi Raj Kalia as an Advocate in civil suit No. 118 and he also tendered the certified copy of power of attorney as Ex. C3 and his forged signatures as Ex. C3/B.

6. CW4 Rajinder Singh, Clerk of Mrs. J.K. Uppal Advocate

**CRM-M-27693-2017****-4-**

identified the signatures of Mrs. J.K.Uppal on the plaint and tendered the certified copy of the plaint as Ex.C4.

7. CW5 Jagtar Singh-petitioner/complainant himself deposed as per averments of the complaint and tendered documents, copy of plaint of civil Suit No. 118 as Ex. C4, certified copy of power of attorney as Ex.C3, certified copy of sale deed Ex.C1, certified copy of statement of Malkiat Singh as Ex.C5, certified copy of his own statement as Ex. C6 certified copy of his cross examination as Ex. C7.

8. CW6 Krishan Gopal deposed that he was working as clerk with Sh.Rishi Raj Kalia Advocate. He tendered the certified copy of power of attorney Ex. C3 and identified the signatures of the Sh.Rishi Raj Kalia as Ex. C3/F and he identified the signatures of Sh.Rishi Raj Kalia Advocate on the statement of Malkiat Singh and tendered the certified copy of the same as Ex. C5 and proved the signatures of Sh.Rishi Raj Kalia as Ex C5/A.

9. CW7 Dr.Inderjit Singh, Handwriting and Fingerprint Expert deposed that he had compared the disputed signatures of Jagtar Singh with his standard signatures on the sale deed dated 3.7.2009, on the complaint dated 29.1.2001 and on the list of witnesses dated 29.1.2011 signatures on the Vakalatnama in favour of Sh. Manmohan Rattan Advocate and gave his opinion that the disputed signatures Q1 were product of forgery by impersonation and did not tally with the standard signatures of Jagtar Singh. He tendered his report as Ex.C8 and photographs EX.C9 to C14.

10. The said complaint came to be dismissed by the Court of Sub Divisional Judicial Magistrate, Khanna (Annexure P-2) vide order dated



CRM-M-27693-2017

-5-

25.09.2014.

11. The aforementioned order was challenged before the Court of Addl. Sessions Judge, Ludhiana vide Criminal Revision No.80 dated 20.12.2014. Vide order dated 08.02.2017 the said revision petition was dismissed by the Court of Addl. Sessions Judge, Ludhiana.

12. The aforementioned orders are under challenge in the present petition.

13. The learned Amicus Curiae for the petitioner/complainant contends that the impugned judgments are based on conjectures and surmises. Dr. Inderji Singh, Handwriting and Fingerprint Expert appeared as CW7, tendered his report Ex.C8 along with photographs in which he has specifically stated that the Vakalatnama in favour of the advocate does not bear the signatures of complainant/petitioner-Jagtar Singh. Therefore, the impugned judgments be set aside and the accused be summoned to face trial.

14. I have heard the learned Amicus Curiae for the petitioner/complainant.

15. It is evident that a civil dispute regarding the land was pending between the present petitioner/complainant and the accused. The case of the petitioner/complainant is that his signatures have been forged on a power of attorney in favour of Sh.Rishi Raj Kalia, Advocate and on the basis of statements of his co-defendants namely Malkiat Singh and Darshan Singh, the said civil suit was decided in favour of the present accused who was the plaintiff in the civil suit No. 118 of 6.6.2002. It is relevant to mention here that in the present complaint the report of the SHO P.S.City Khanna under

**CRM-M-27693-2017****-6-**

Section 202 Cr.PC was called for who has observed that it was a land dispute between Gurjeet Singh and the present petitioner/complainant and Gurjeet Singh was in possession of land in dispute. The present petitioner/complainant had lodged various cases in the courts and the present complaint had made the present complaint by concealing material facts. Merely on the basis of the report of a handwriting expert, it cannot be said that the signature of the petitioner/complainant are forged and fabricated, particularly when the matter involves a property dispute between the parties. In fact, it was the report of complainant/petitioner handwriting expert. Further keeping in view the fact that the civil suit No.118 is stated to have been disposed off on the basis of admissions made by the statements of co-defendants Malkiat Singh and Darshan Singh, it seems that as a counter blast the petitioner/complainant has filed the present criminal complaint.

16. The civil suit came to be decided on 15.06.2002 but the instant complaint was filed in 2011. This delay stands unexplained and is fatal to the case of the complainant/petitioner.

17. As per the petitioner/complainant Shri Rishi Raj Kalia Advocate had died who was the best person to explain about the fraud and forgery, if any committed. However, from the entire circumstances, it appears that the petitioner/complainant did not come forward to file the complaint during the life time of his counsel.

18. The petitioner/complainant has not examined his father Malkiat Singh and Darshan Singh who were material witnesses to depose about the alleged fraud and forgery. This fact also creates a doubt in the case of the



CRM-M-27693-2017

petitioner/complainant.

19. In view of the aforementioned discussion, I find no infirmity in the orders of the Sub Divisional Judicial Magistrate, Khanna dated 25.09.2014 (Annexure P-2) and the Addl. Sessions Judge, Ludhiana dated 08.02.2017 (Annexure P-4). Therefore, the present petition stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

12.08.2025
JITESH

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>