

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-75-2023 (O&M)

Decided on 19.05.2025

Gurmeet Singh

... Petitioner

VS.

Chetan Singh & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mrs. Kulwant Kaur Kahlon, Advocate for the petitioner

Sandeep Moudgil, J.

(1). This petition under Section 401 CrPC has been filed by the petitioner seeking to quash the impugned judgment dated 31.08.2022 passed by Addl. Sessions Judge, Moga as well as judgment dated 10.11.2016 passed by JMIC, Moga whereby the respondent-accused have been acquitted in case FIR No.222 dated 14.11.2007 under Sections 420/406/465/467/468 IPC, registered at Police Station Dharamkot.

(2). Learned counsel for the petitioner-complainant contends that both the courts below did not appreciate the evidence put forth by the petitioner and also failed to consider the fact that the petitioner examined PW-5 Hukum Chand Singla, Manager State Bank of Patiala, Bathinda who deposed that he has brought the original cheque by which Rs.2,50,000/- were encashed from A/c.No. 55073970758 having signatures of Manjit Singh on reverse side and he has compared it with the photocopy of the above said cheque ExPW5/A and ExPW5/B. Besides the courts also failed to took into account the fact that Karnail Singh PW-6 had categorically deposed that Shamsheer Singh, Gurnishan Singh and Chetan Singh took Rs.16 lacs from Gurmeet Singh to send him abroad, thereafter, compromise was effected during Panchayat and in terms of

the compromise, Rs.2,50,000/- were returned by the above said persons but remaining amount is not returned yet in spite the fact that Panchayat was convened many times.

(3). It is further argued that as per deposition of Amandeep Singh PW8 who knows the parties, on 24.11.2006 he along with Balwant Singh son of Amar Singh, Gurpreet Singh son of Nachhattar Singh, Jaswant Singh son of Amar Singh went to the house of Shamsher Singh and Gurnishan Singh for making payment of Rs 3,70,000/- for sending Gurmeet Singh abroad, however, no receipt or writing was done. It is further urged that the petitioner examined eight witnesses who deposed that Shamsher Singh and Chetan Singh received Rs.16 lakhs from the petitioner to send him abroad besides that the petitioner also paid \$1500 at Togo to Cheta Singh and a contract was also effected between the parties to that effect.

(4). Heard learned counsel for the petitioner.

(5). The allegation raised by the petitioner-complainant that both the courts below did not consider the evidence and testimonies of the witnesses examined in relation to the fact the respondents had received Rs.16 lakhs and cheated the petitioner and Bhupinder Singh of huge amount on the pretext of sending him Canada on the basis of a forged Canadian Visa in the name of the petitioner.

(6). A perusal of the judgments passed by both the courts below would show that the petitioner heavily relied upon and examined Gurmeet Singh and PW3 Bhupinder Singh, however, they failed to prove any dishonest inducement on the part of the respondents or the fact that the petitioner had given any such amount to the respondents. Even as per the deposition made by PW8

Amandeep Singh inasmuch as in his cross-examination, the said witness categorically stated that he has no relation with Gurmeet Singh nor does he remember on which date Gurmeet Singh went or return from abroad. It is the categoric finding of the courts below that it is doubtful that the father of the petitioner would choose PW8 Amandeep Singh to take him along who is neither their relative nor known to the petitioner.

(7). Further there is no concrete evidence to prove the passing of amounts to the accused as the said payments were made in India or by way of Western Union in Togo coupled with the fact that as per the receipt, the petitioner received amount from Gurdeep Singh and Harpal Singh and that payments were made from Canada itself and the above-named sender of the amount were also never examined.

(8). It is also a matter of record that before the courts below, it has come that an agreement to sell was executed by PW3 Bhupinder Singh, co-victim and relative of petitioner in favour of respondent-Shamsher Singh in 2006 for a sum of Rs.16 lakhs and the civil suit filed by Shamsher Singh was also got withdrawn after a compromise between the parties and as per endorsement dated 07.06.2007 over agreement Mark M, Rs.6 lakhs were returned by executants Bhupinder Singh to Shamsher Singh and the agreement stood cancelled. The fact that petitioner was related to Bhupinder Singh and there was a civil dispute already going on between the parties was not disclosed by the petitioner before the courts below which indeed proves that the petitioner has tried to convert a civil dispute into a criminal proceedings.

(9). The evidence before the courts below fail to establish any inducement by respondent-Gurnishan Singh and Shamsher Singh. Notably,

Chetan Singh was absent during the alleged inducement of the petitioner by co-accused and as such due to the lack of concrete evidence regarding inducement and payment of substantial amounts to the accused, the conclusion drawn by the courts below that the offence under Section 420 IPC was not proven is justified. Furthermore, the charges under Sections 465, 467, and 468 IPC were not substantiated due to the absence of the original visa alleged to have been forged and the lack of an Embassy report confirming or questioning its authenticity. Therefore, the acquittal of the accused-respondents cannot be said to be unlawful and unjustified.

(10). In view of the above discussion, there is no legal infirmity or irregularity in the judgments dated 31.08.2022 and 10.11.2016 passed by the courts below. Therefore, this petition being devoid of merits stands dismissed.

(11). Ordered accordingly.

19.05.2025

V. Vishal

- 1. *Whether speaking/reasoned?*
- 2. *Whether reportable?*

(Sandeep Moudgil)
Judge

Yes/No
Yes/No