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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR-2687-2023 (O&M)

Date of Decision: 23.01.2025

NARANJAN SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mrs. Rana Ghuman, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG Punjab.

Harpreet Singh Brar, J. (Oral)

1. This revision petition has been filed by the petitioner against the judgment of acquittal dated 31.10.2018 passed by learned Chief Judicial Magistrate Ist Class, Rupnagar and the said judgment was upheld by learned Additional Sessions Judge, Rupnagar vide judgment dated 01.09.2023.

2. The case set up by the complainant-petitioner is that respondent No. 2 was owner of land measuring 4 bigha 3 biswa in joint land. After selling 1 bigha 4 biswa land to Ujagar Singh, the respondent No. 2 obtained loan of Rs. 3 lacs on 10.07.2012 from Punjab Gramin Bank Branch Kainaur by mortgaging 4 bigha 3 biswa land beyond his share in connivance with the respondents No. 3 and 4. It is averred that the respondent No. 2 could mortgage his 2 bigha 19 biswa land, but the respondent No. 2 mortgaged 4 bigha 3 biswa land with intention to cheat the complainant/petitioner and with the active connivance of the respondents No. 3 and 4. It was averred that accused committed fraud. The complainant came to know about the forgery on obtaining the document from

Suvidha Centre and the complainant approached the respondent No. 2 but



respondents No. 2 to 4 refused to settle the matter. The accused No. 3 and 4 had the knowledge of the fact that the respondent No. 2 is owner of 2 bigha 19 biswa land but to cheat the bank as well as Government, they sanctioned loan to respondent No. 2 on 4 Bigha 3 biswa land. It was further averred that when an inquiry was being conducted by the Economic Offences Wing then the accused No. 1 was called and he deposited the amount of loan on the asking of accused Nos. 2 and 3 and then the accused Nos. 2 and 3 issued a NOC in order to escape from their liabilities and also damaged the evidence regarding loan. On the basis of aforesaid allegations, complaint in the present case was filed.

3. Having heard the learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that learned Court below has opined that Balwant Singh-respondent No. 2 was owner of 04 bigha 03 biswa of land and he sold 01 bigha 04 biswa to Ujagar Singh and he was left with 02 bigha 19 biswa of land but the respondent No. 2 obtained loan after mortgaging land measuring 04 Bighas and 03 Biswa and undisputed fact was that after coming to know about the error regarding mortgaging of 04 bigha and 03 biswa of land, Balwant Singh had repaid the loan. The complainant has failed to establish as to what loss visited him or how this act of the accused affected the complainant. Thus, viewing these undisputed facts, learned Court below rightly held that no cheating or fraud was committed by the private respondents and further no loss had been caused to the complainant-Naranjan Singh.

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

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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 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 warrants interference by this Court. As such, there is no merit in the present application and hence, the revision petition is dismissed.

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

(HARPREET SINGH BRAR)
JUDGE

23.01.2025*Ajay Goswami*

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