



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

234

CRR-1626-2006 (O&M)

Date of decision: 21.04.2026

Hardeep Singh

...Petitioner

VERSUS

State of Punjab and others

...Respondent

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

Present :- Mr. Sachin Luthra, Amicus curiae for the petitioner.

Dr. (Ms.) Savi Nagpal, AAG, Punjab.

Respondent No.2 since deceased.

Ms. Vidushi Singh, Advocate for respondents No.3 to 5.

VINOD S. BHARDWAJ, J. (Oral)

The present revision petition has been filed by the complainant against the judgment dated 19.04.2006 passed by the Court of Judicial Magistrate First Class, Sangrur in Challan (IPC) No.13 of 07.03.2000 titled as "*State Vs. Nachhattar Singh and others*" arising out of FIR bearing No. 155 dated 25.07.1999 registered under Sections 447, 427, 148 & 149 of the Indian Penal Code, 1860 at Police Station Dhuri, District Sangrur whereby the respondents-accused were acquitted.

2. The proceedings in the present case were initially instituted by the petitioner against five persons, namely Nachhattar Singh, Harminder Singh, Jujhar Singh and Uggur Singh (all sons of Nachhattar Singh), and Sukhdev Singh @ Bhola, son of Mohinder Singh. During the pendency of the trial, Uggur Singh expired while Nachhattar Singh son of Jangir Singh, was also reported to have died, as per the service report. Consequently, the revision petition stood abated qua respondent No. 2-Nachhattar Singh, vide

order dated 17.02.2017. It is further noticed that despite due service, none has appeared on behalf of respondents No. 3 to 5.

3. The matter pertains to the year 2006 and has remained pending for a considerable length of time; thus, any further adjournment would not be justified. Accordingly, the matter is taken up for final adjudication after hearing learned counsel for the petitioner and upon appointing Ms. Vidushi Singh, Advocate, PH-12846/2025, who is present in Court, as Legal Aid Counsel to represent respondents No. 3 to 5. The Legal Aid counsel has perused the record and the documents appended with the present petition and has duly assisted this Court in the matter.

4. Learned counsel for the petitioner contends that as per the version of the prosecution the complainant–petitioner Hardeep Singh, along with his brother Sukhdev Singh and one Surjit Singh, had entered into an agreement to sell with Nachhattar Singh, son of Jangir Singh, resident of Village Ruldusingh Wala, approximately 22 years prior to the institution of the proceedings, for the purchase of land measuring 11 bighas and 16 biswas. It is contended that Nachhattar Singh had received a sum of Rs.10,000/- as earnest money and had also delivered possession of the said land to Hardev Singh, the father of the complainant–petitioner and his brothers.

5. It is further submitted that the said land was under mortgage with a bank and Nachhattar Singh was unable to redeem the same. It is alleged that, thereafter despite having agreed to sell the land, out of greed, Nachhattar Singh–accused attempted to illegally dispossess Hardev Singh and his family from the land in question, whereupon a civil suit was

instituted by Hardev Singh and others against Nachhattar Singh and his sons, namely Harminder Singh, Jujhar Singh and Uggar Singh. Learned counsel submits that the Civil Court granted an injunction restraining the defendants from interfering in the peaceful possession of the plaintiffs over the land measuring 11 bighas and 16 biswas bearing Khasra Nos. 69 and 70. The said suit was eventually decreed in favour of the plaintiffs, and the appeal preferred against the judgment and decree was also dismissed. It is further contended that the findings were upheld even in the Regular Second Appeal before the High Court. On the strength of the aforesaid, learned counsel submits that the petitioner and his family have remained in continuous possession of the land in question since the year 1977.

6. Learned counsel further submits that on 25.07.1999, at about 11:00–11:30 A.M., Hardev Singh (father of the complainant–petitioner), along with his sons Hardeep Singh, Advocate (complainant–petitioner), Gurdev Singh son of Arjan Singh and Harnek Singh son of Lehna Singh, were returning from Sangrur. Upon reaching near their fields, they found accused Nachhattar Singh, along with his sons Harminder Singh and Jujhar Singh, standing at the front side of the fields, armed with ‘dangs’, while one another person was ploughing the land with a tractor. It is contended that the accused persons had caused damage to the standing crop belonging to the father of the complainant–petitioner and his brothers. Upon noticing the complainant and his companions approaching the spot, the accused persons fled towards the canal on their tractors; however, by that time, they had already destroyed the crop standing over approximately 10 bighas of land. Learned counsel submits that the occurrence was witnessed by Hardev

Singh, Hardeep Singh (complainant–petitioner), Gurdev Singh and Harnek Singh. A written complaint in this regard was thereafter submitted before the SHO, Police Station Dhuri, on the basis of which the present FIR came to be registered.

7. Pursuant thereto, investigation was conducted and a final report under Section 173 Cr.P.C. was filed in the Court. The accused–respondent appeared, whereupon copies in compliance to Section 207 Cr.P.C. were handed over to the respondent–accused. Vide order dated 16.04.2001, charges were framed against all the accused persons for the offences punishable under Sections 447, 427, 148 and 149 of the Indian Penal Code, 1860. Thereafter, both sides led their respective evidence. Upon appreciation of the evidence on record, along with the submissions advanced on behalf of the parties, the Trial Court came to the conclusion that the prosecution had failed to establish its case beyond reasonable doubt and, accordingly, extended the benefit of doubt to the respondent–accused persons, resulting in their acquittal. Aggrieved thereby, the present petition has been preferred.

8. Learned counsel appearing on behalf of the petitioner submits that the documentary evidence adduced on record clearly establishes that the land in question, measuring 11 bighas and 16 biswas, has been in the continuous possession of the petitioner since the year 1977. It is further contended that the Civil Court had already granted an injunction in favour of the petitioner, restraining the defendants from interfering with his possession except in due course of law. He further contends that the said decree establishes the exclusive possession of the petitioner herein and the respondent–accused persons, by entering upon the said land and causing

damage to the standing crop, have committed offences punishable under Sections 447 and 427 of the Indian Penal Code, 1860. It is further submitted that the testimony of the prosecution witnesses, including that of the complainant, has been disbelieved by the Trial Court without any cogent reasons.

9. Learned legal aid counsel for the respondents No.3 to 5, on the other hand, contends that the Trial Court has taken into consideration all the relevant circumstances and has also meticulously examined the evidence adduced before it. It was on consideration whereof the Trial Court came to a conclusion that the version set out by the complainant-petitioner was not corroborated with better particulars and there was various gaping holes in the prosecution version which discredited the testimony. Accordingly, the benefit of doubt was rightly extended to the respondent-accused persons resulting in their acquittal.

10. I have heard learned counsel appearing on behalf of the respective parties and have gone through the documents appended along with the present petition.

11. Before proceeding further in the matter, it would be relevant to make a reference, in brief, to the findings recorded by the Trial Court. The same reads thus:

"10. In order to discharge its burden on the above said questions/issues and to prove the possession of Hardev Singh, Sukhdev Singh and Surjit Singh sons of Jagmail Singh, and the ocular version of the occurrence, prosecution examined Hardeep Singh son of the complainant Hardev Singh as PW-6. He reiterated his version verbatim to the allegations made in the complaint, moved by his father Hardev Singh to the SHO

Police Station Dhuri, on the basis of which present case was registered against the accused. However his cross-examination reveals that he is not a trust worthy witness, on whose statement reliance can be placed. He stated that he alongwith his father Hardev Singh, Gurdev Singh and Harnek Singh were coming to their village from Sangrur. At about 11/11.30 a.m. when they reached near their fields, they saw accused Nachhattar Singh and his two sons Jujhar Singh and Harminder Singh armed with dangs, standing on the front side, whereas his third son Uggar Singh was standing on the back side. One person was ploughing the fields of Chari by tractor. When they reached at the spot, all the above said persons fled on the tractor towards the Canal. They caused damage to the tune of Rs. 10,000/- to their crop. During his cross-examination, he further stated that they proceeded from the place of occurrence at about 12.00 p.m. and straight-way went to the police station Dhuri. In the Police Station, they remained for 3-4 hours. He further stated that he was not present when complaint was got typed by his father. He is unable to tell that who was accompanying his father when the complaint was got typed. His ignorance with regard to these facts create doubt regarding his presence at the spot. Had he been accompanying his father on the day of alleged occurrence and went to the Police Station alongwith his father & remained there for four hours, he might be knowing the names of the persons, who accompanied his father when the complaint was got typed. Moreover, he is a practicing lawyer and knows the technicalities of law. If he would have been present at the spot and accompanied his father to the Police Station, he would have got typed the complaint himself.

When subjected to further cross-examination, he stated that he did not accompany the police to the place of occurrence. He straight-way went back to his house from the Police Station. He did not know who accompanied the Police to the place of occurrence. This version also creates doubt regarding his

presence. Had he accompanied his father on the day of occurrence to the place of occurrence as well as to the Police Station, he would have been the first person to accompany the Police party to the place of occurrence. Further, he might have the knowledge of the names of the persons, who accompanied the Police party to the place of occurrence. He is not an illiterate person. Rather he is a Senior Practicing lawyer. He would have visited the place of occurrence with the police party in order to avoid the technicalities of law. His further admissions that he never joined the Police party, appears to be quite unnatural being a lawyer, especially when their own crop was damaged by the accused, their fields by criminally trespassing. Rather, this fact create doubt regarding the occurrence. Even, Hardeep Singh failed to tell the date and time when his statement was recorded by the Police. He specifically stated that he does not remember when his statement was recorded by the Police. He is unable to tell whether his statement was recorded on the day when complaint was moved or after how many days, his statement was recorded. This type of reply is un-expected from a person, who is a practicing lawyer and is deposing in his own case.

Thus, it is not safe to rely upon his testimony.

11. Harnek Singh PW-1, the alleged eye-witness of the occurrence has also reiterated his version in his examination in chief verbatim to the prosecution story. However, he also appears to be a procured witness only as he never got recorded his statement to the Police. As per the prosecution version, he accompanied complainant Hardev Singh, his sons Hardeep Singh to the place of occurrence as well as to the Police Station and also accompanied the Police party to the place of occurrence, but in his examination in chief, he denied to have accompanied the Police party to the place of occurrence. Further, according to him, Surjit Singh was also accompanying them, whereas there is no reference of Surjit Singh either in the

complaint moved by Hardev Singh to the SHO Police Station Dhuri or in the statement of Hardeep Singh PW-6.

12. Investigation conducted by ASI Jagjiwan Singh PW-3 also appears to be not fairly conducted. He specifically stated that he inspected the place of occurrence in presence of Hardev Singh, Hardeep Singh and Gurdev Singh and prepared site plan of the place of occurrence. He also recorded the statements of the witnesses Hardeep Singh contradicted his above version by stating that he never joined the police party, nor accompanied the police party of occurrence. So, the question of preparing site plan in presence of Hardeep Singh does not arise. Even, site plan does not bear the signature of either Hardev Singh or Hardeep Singh, or Gurdev Singh. Had the above said persons accompanied SI Jaqjiwan Singh to the place of occurrence, he might have obtained the signatures of these persons on the site plan Ex. P. P.8. Harnek Singh also contradicted the version of SI Jagjiwan Singh by stating that his statement was never recorded by the Police.

13. The photographs Ex. P15 to Ex. P17 produced by photographer Anil Kumar PW-7 did not support the prosecution version and create doubt. As per the testimony of Anil Kumar PW-7, these photographs were taken by him on 25.7.99 i.e. on the day of occurrence. However, dried condition of the damaged crop of Chari, alleged to be ploughed by accused in these photographs, depicts that these photographs does not relate the date of occurrence. Had the crop been damaged on 25.7.99, the damaged crop of Chari might be appearing in a fresh condition instead of dried one, as is shown in the photographs Ex. P15 to Ex. P17. Rather, the damaged Chari crop was dried to such an extent when the photographs were taken, i.e. on 25.7.99 as alleged in the prosecution version, that it itself speaks that he field was ploughed much earlier to 25.7.99.

14. Investigating Officer SI Jagjiwan Singh admitted during

cross-examination that accused were earlier challaned u/s 107/151 Cr.P.C. on 21.5.99. In defence, accused have placed on file copy of the proceedings initiated against them u/s 107/151 Cr.P.C. on the complaint moved by complainant Hardev Singh. Copy of this Calendera which is Mark-A, reveals that even earlier, complainant Hardev Singh moved complaint against accused on 21.5.99 on the similar allegations as levelled by him in the complaint dated 25.7.99. However, that complaint was treated only u/s 107/151 of Cr.P.C. and the accused were even discharged on the same day. It means that the allegations made in the earlier complaint moved by the complainant against accused, were not found to be authenticated as a result of which, only action was taken u/s 107/151 of Cr.P.C.

Further, the parties are at litigation with each other on account of land in question, since long period and admittedly, they are moving the complaints against each other. Thus, in such circumstances, filing of false complaint by the complainant party to protect its possession, cannot be ruled out, especially when on similar allegations, a complaint was moved on 21.5.99 also and the complainant party could not succeed in the same. Rather, accused were acquitted on the same day when the Calendra was filed against them u/s 107/151 of Cr.P.C.

15. Thus, all these above discussed factors create doubt in the prosecution version, and I am of the view that the prosecution has failed to prove its case against the accused beyond the shadow of reasonable doubt and the issues/questions do not stand proved against accused. Therefore, I acquit all the accused of the offences charged with, giving them the benefit of doubt.”

12. It is evident from perusal of the above that the Trial Court has specifically noticed that the case set up by the petitioner was that he, along with his father Hardev Singh, had reached the spot on 25.07.1999 at about 11:00–11:30 A.M. and had witnessed the occurrence. However, the Trial

Court further observed that at the time when the complaint was got typed by his father, the petitioner was not accompanying him and was also unable to state as to who had accompanied his father for the said purpose. The Trial Court, taking note of the fact that the petitioner is a practicing Advocate with considerable experience, found such lack of awareness to be unnatural, thereby casting a doubt upon his presence at the spot. It was further noticed that, during his cross-examination, the petitioner admitted that he had not accompanied the police to the place of occurrence and had instead returned home from the police station. He was also unable to state as to who had accompanied the police party to the site. The Trial Court thus found that the aforesaid conduct of the petitioner was highly unnatural, inasmuch as, despite claiming to be present at the spot and having accompanied his father to the police station, he neither accompanied his father for the typing and submission of the complaint nor assisted the police in visiting the place of occurrence.

13. Besides, the learned Trial Court has also noticed that the petitioner failed to furnish several material particulars, which an eye-witness would ordinarily be expected to know, thereby casting further doubt on the veracity of his testimony. It was also observed that the site plan prepared during the course of investigation did not bear the signatures of the petitioner—Hardeep Singh, his father Hardev Singh, or Gurdev Singh, which circumstance was held to render the prosecution version suspect. The Trial Court further examined the photographic evidence produced on record. Although the said photographs were stated to have been taken on 25.07.1999, i.e., on the very day of the alleged occurrence, the condition of

the damaged crop of Chari, as depicted therein, did not corroborate the prosecution version. The crop appeared to be in a dried state, which was inconsistent with the allegation that it had been freshly ploughed on the same day. The Trial Court specifically noted that, had the damage been caused on the date of occurrence, the condition of the crop would have been relatively fresh; however, the extent of dryness suggested that the fields had been ploughed much prior to 25.07.1999.

14. The aforesaid findings, which are founded upon a due appreciation of the evidence on record, have not been effectively assailed by learned counsel for the petitioner. No effort has been made to demonstrate, either by referring to the specific testimonies of the witnesses or by pointing out any material evidence, that the conclusions arrived at by the learned Trial Court suffer from perversity or are the result of misreading or misappreciation of the evidence.

15. Ordinarily, the findings of fact recorded by the learned Trial Court would not be interfered with merely on the ground that another view is also possible on the same set of evidence. Once the view taken by the Trial Court is a plausible and reasonable, arrived at upon an objective and proper appreciation of the evidence on record, the High Court, in exercise of its appellate or revisional jurisdiction, would be slow to substitute its own opinion in place of that of the Trial Court. Interference is warranted only where the findings are shown to be perverse, manifestly illegal, or based on a misreading or non-consideration of material evidence. In the absence of such infirmities, the conclusions arrived at by the Trial Court, particularly those resulting in acquittal of the respondent–accused, ought not to be

disturbed.

16. Consequently, finding no illegality perversity or impropriety in the judgment dated 19.04.2006 passed in case bearing FIR No. 155 dated 25.07.1999 registered under Sections 447, 427, 148 & 149 of the Indian Penal Code, 1860 at Police Station Dhuri, District Sangrur, the present petition is dismissed.

17. Pending applications, if any, shall stand disposed of.

(VINOD S. BHARDWAJ)
JUDGE

21.04.2026

Sumit Gusain

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