

CRM-M-4185-2017 (O & M)

2026:PHHC:027511



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(257)

CRM-M-4185-2017 (O & M)

Reserved on:18.02.2026

Date of Pronouncement: 20.02.2026

Date of Uploading : 21.02.2026

Harwinder Pal Singh

..... Petitioner

V/s

Sarup Singh and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Jasleen Chahal, Advocate as Amicus Curiae
for the petitioner.

Mr. Anil Chawla, Advocate,
for the respondents.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 read with Section 401 Cr.P.C. is for setting aside the impugned order dated 14.01.2016 (Annexure P-5) passed by the JMIC, Amritsar and order dated 19.10.2016 (Annexure P-7) passed by the Additional Sessions Judge, Amritsar wherein both the Courts below dismissed the complaint filed by the petitioner.

2. At the very outset, the learned counsel for the respondents has apprised the Court that respondent No.1-Sarup Singh has expired on 27.10.2025.

In view of the above, the proceedings qua respondent No.1-

Sarup Singh stand abated.



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3. As per the allegations levelled in the complaint, the accused-respondents (hereinafter known as the respondents) forged and fabricated a Will of Beant Singh (stated to have expired on 09.06.1984) son of Sunder Singh dated 08.11.1983 to grab the share of the petitioner-complainant (hereinafter to be known as 'the petitioner') in the land and property.

4. Based on the evidence led, the complaint came to be dismissed by the Court of the Judicial Magistrate Ist Class, Amritsar vide judgment dated 14.01.2016 (Annexure P-5). The relevant extract thereof reads as under:-

4. After hearing counsel for the complainant and after going through the documents placed on the file and the evidence of preliminary evidence of the complainant, I am of the considered view that for summoning of persons as accused in complaint, onus on the complainant to establish his prima facie case on file. From entire preliminary evidence, it comes out that as per order of the Id. Addl. Civil Judge (Sr. Div.) in Para no.25 of the judgment dated 19.10.09, it is clearly alleged that in para of this judgment from the above discussion, it can be observed that the Will Ex.PA is surrounded by suspicious circumstances and no where in this judgment the Id. Magistrate held that the Will is forged and fabricated document and the same in appeal of the said judgment dt. 29.10.10 in this Id. ADJ did not declare the said Will is forged one.

5. On the other hand, attesting witness of the said Will PW3 Sujinder Singh that he and Jagir Singh whose their signatures on the said Will. He is admitted his signatures. In preliminary evidence complainant did not examine any attesting of the



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alleged Will who denied to identify his signature on the alleged Will.

6. *In view of my above said discussion, there is no prima facie ground to made out to summon the accused in this case. Hence the present complaint is hereby dismissed. File be consigned to the record room.*

5. The petitioner filed a revision petition before the Court of the Additional Sessions Judge, Amritsar which came to be dismissed vide judgment dated 19.10.2016 (Annexure P-7). The relevant extract of the said judgment is as under:-

10. The complaint was filed by revisionist/petitioner under sections 420,466,467,468,471,474/34 of IPC for summoning the accused/respondents on the grounds that his grandfather Beant Singh was owner of house no.5019/38, Habibpura, Gali no.1, Sultanwind Road, Amritsar and Beant Singh has not executed any Will but a Will dated 8.11.1983 was forged by accused, whereas Beant Singh has not executed any Will and moreover in the mutation proceedings dead persons have been made party, who got mutation sanctioned in their favour on the basis of fake Will by the accused before Assistant Collector Ist Grade. During the pendency of that complaint preliminary evidence was led by the complainant by examining Jasbir Singh Clerk SOT Office, Tarn Taran, who has brought record of mutation proceedings no.1915 and further CW2 Sunder Singh Halqa Patwari also brought relevant record of mutation no.1915 and as per the record, mutation of inheritance of Beant Singh after his death was sanctioned in the name of Sarup Singh and Gurmit Singh. Complainant also examined himself as CW3 and



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CW4 Yadwinder Singh, Clerk DC Office, Tarn Taran also brought record of mutation no.1915 and death certificate of Beant Singh and copy of judgment of ld. Addl. Civil Judge, Sr. Divn. dated 19.1.2005 in a civil suit was also proved as Ex.C4 and decree sheet as Ex.C5, copy of order passed by ld.Addl.Distt. Judge dated 29.10.2010 was also proved as Ex.C6 and decree sheet as Ex.D7,copy of application given to the police and to S.H.O of Police Station 'B' Divn. and S.S.P Tarn Taran and enquiry 8 report was also brought on record alongwith the statements recorded and copy of death certificate of Surjit Singh and death certificate of Kulwant Kaur were also proved. The complainant has alleged that the Will alleged to be dated 8.11.1983 is a fake and fabricated one which was not executed by Beant Singh and was prepared by accused, but complainant has failed to give any detail in which manner said Will is forged and fabricated one. Whether same was result of any misrepresentation or signatures or thumb impression of Beant Singh on the same are forged one, no handwriting expert is examined by the complainant to prove that alleged Will dated 8.11.1983 does not bear the signatures or thumb impression of Beant Singh and in the absence of any such evidence, it cannot be ascertained that Beant Singh has not executed said Will. Merely if ld. Civil Court has given the findings that Will is surrounded by suspicious circumstances, that does not mean that said Will is fake and forged one and even if in the mutation proceedings the dead persons have been impleaded as a party, that also does not mean that accused have committed any offence. It is for the said Court where mutation proceedings were pending to take any action if the law so permits and said mutation proceedings can be challenged separately, but from



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the evidence available on record, no 9 sufficient grounds were made out to summon the accused/respondents to face the trial and ld. lower court has given well reasoned findings while discussing the complaint vide impugned order dated 14.1.2016. So there is no force in the arguments advanced by ld. counsel for the revisionist/petitioner. Hence, present revision petition stands dismissed. Record of the ld. lower court be returned forthwith and revision file be consigned to record room.

6. The learned Amicus Curiae for the petitioner contends that the impugned judgments (Annexures P-5 and P-7) are based on conjectures and surmises. The material evidence on record has not been considered in its proper perspective. The observations of the Civil Court have been discarded without any basis whatsoever. She, therefore, prays that the impugned judgments be set aside and the respondents be summoned to face Trial.

7. The learned counsel for the respondents, on the other hand, contends that no fault can be found with the impugned judgments (Annexure P-5 and P-7). There is no evidence whatsoever that the Will in question was forged and fabricated by the respondents. The complaint has been filed on the basis of suspicion alone. Therefore, the present petition is liable to be dismissed.

8. I have heard the learned counsel for the parties.

9. As per the allegations levelled by the petitioner, the Will dated 08.11.1983 is a fake and fabricated documents and was not executed by

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failed to give any detail regarding the manner in which the Will dated 08.11.1983 was forged. No hand-writing expert has been examined by the petitioner to prove that the signatures or thumb-impression of Beant Singh on the Will dated 08.11.1983 were not of the said Beant Singh but of another person. In the absence of any such evidence, it cannot be alleged that the Will in question is a forged and fabricated document. Merely, the observation of the Civil Court that the Will dated 08.11.1983 is surrounded by suspicious circumstances does not mean that the Will is a forged one which allegation must be established by leading of evidence which has not been done in the instant case.

10. In view of the above discussion, I find no merit in the present petition. Therefore, the same stands dismissed.

11. The pending application(s), if any, shall stand disposed of accordingly.

February 20, 2026	(JASJIT SINGH BEDI)
sukhpreet	JUDGE
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No