

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Revision No. 3654 of 2016 (O&M)

Reserved On: 02.02.2026
Pronounced On: 05.02.2026

Jagbir Singh alias Jaibir Singh

... Petitioner(s)

Versus

Savitri

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. S.K.Hooda, Advocate
for the petitioner(s).

Mr.Jitender K. Sehrawat, Advocate
Legal Aid Counsel for the respondent.

Surya Partap Singh, J.

1. Aggrieved of the order dated 14.07.2016, hereinafter being referred to as “the impugned order” only, the instant revision petition has been filed by virtue of above said order the learned trial Court has served charge sheet upon the petitioner/accused, hereinafter being referred to as “petitioner” only, for the commission of offence punishable under Section 3(1)(iv) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, hereinafter being referred to as “the SC&ST Act” only and Section 427 of the Indian Penal Code, 1860.

2. The petitioner has challenged the impugned order on the ground that the above said charge-sheet is vague and the order of framing of charge-sheet has been passed without application of judicial mind. According to

petitioner, the material available on record and the arguments addressed on behalf of petitioner have not been properly appreciated by the learned trial Court and merely on the basis of assumptions and presumptions the charge-sheet has been framed.

3. In nut-shell, the facts emerging from the record are that in a complaint moved by the complainant/respondent, hereinafter being referred to as “respondent” only, the petitioner was summoned as an accused to face trial for the commission of offence punishable under Section 3(1)(iv) of the SC&ST Act and Section 427 IPC. In the above mentioned case, the petitioner is on bail and the learned trial Court, by virtue of impugned order, has issued an order for framing of charge against the petitioner.

4. Heard.

5. It has been contended on behalf of petitioner that the impugned order is an outcome of non-application of judicial mind, and that the learned trial Court has ignored the relevant law as well as the facts & circumstances related to the instant case. It has been further contended by learned counsel for the petitioner that the allegations contained in the complaint are with regard to dispossession of respondent by the petitioner from a piece of agricultural land. With regard to above, it has been pointed out by learned counsel for the petitioner that the above mentioned land since ever has been in possession of the petitioner and therefore, the allegations with regard to forcible dispossession of respondent by the petitioner are absolutely false.

6. It has also been contended by learned counsel for the petitioner that earlier the land belonged to the petitioner who was duly recorded so in the revenue record. According to learned counsel for the petitioner, in the

jamabandi for the year 1975-76 the name of petitioner was duly recorded as owner in possession of the disputed land but subsequently in an illegal manner a portion of land belonging to the petitioner was declared surplus by the government agencies and the name of petitioner was replaced with the name of Government of Haryana. As per learned counsel for the petitioner, despite the above mentioned change in the entry, in the revenue record, the possession of petitioner was never disturbed and the petitioner continued to enjoy possession thereof.

7. The learned counsel for petitioner has also argued that the claim of complainant is that the above mentioned land was allotted to the father of respondent and on payment of requisite money she had entered into possession of the same with the help of revenue authorities. With regard to above it has been argued by learned counsel for the petitioner that in fact the land was allegedly allotted to the father of respondent in the year 1977 and as per claim of respondent she deposited requisite money on 08.06.2004, i.e. after a gap of more than 26 years and thus, the question of delivery of possession does not arise at all.

8. While claiming that the petitioner is still in possession and claim set out by the respondent is false, it has been contended by learned counsel for the petitioner that the learned trial Court has ignored all these factual matrix of the case and passed the impugned order with regard to framing of charge against the petitioner, who, since 1993 is serving Haryana Government at Chandigarh. In support of his arguments, the learned counsel for the petitioner has referred to the principles of law laid down by the

Hon'ble Supreme Court of India in the case of Hitesh Verma v. State of

Uttarakhand and Another 2020(4) RCR (Criminal) 868.

9. It has also been pointed out by learned counsel for the petitioner that the respondent has filed the instant complaint with an ill-motive to take over possession of the disputed land, and that the complaint under Section 3(1)(iv) of the SC&ST Act and Section 427 IPC cannot be a device to take over the possession of an immovable property. According to learned counsel for the petitioner the dispute between the parties is of civil nature but with an intention to pressurize the petitioner false allegations have been levelled in the complaint.

10. The learned legal aid counsel representing the respondent has controverted the above mentioned arguments. It has been contended by learned counsel for the respondent that in the present case, the respondent has filed a complaint with specific averments that the land in question was allotted to her father in the year 1977, and that she deposited the requisite money along with interest in the year 2004 and thereafter, the revenue authorities delivered possession of the above said land (allotted to the father of respondent) to the respondent in the year 2004. As per complainant with regard to above the revenue entries were recorded. The learned counsel for the respondent has further contended that it is a disputed question as to whether the possession of suit property was actually delivered to the respondent or not, and that the above mentioned question can be determined, only, on the basis of evidence to be produced during the course of trial.

11. While referring to the summoning order dated 05.02.2015, the learned counsel for the respondent has contended that the copy of jamabandi for the year 2005-06, the copy of allotment letter, the copy of challan with

regard to payment of money and the copy of Scheduled Caste Certificate of respondent were duly placed on record, and that the above mentioned documents were sufficient and good enough to support the plea of respondent qua the fact that she was owner in possession of the suit property, but she was being deprived of cultivating the same, and that the respondent were illegally cultivating the above said land.

12. The record has been perused carefully.

13. In the present case, at the very outset, it is pertinent to mention here that in the present case there is no dispute qua the fact that the respondent belongs to Scheduled Caste community and the petitioner does not. Thus, if any action of the petitioner comes within the ambit of an offence defined under Section 3 of the SC&ST Act, the petitioner is supposed to face trial for the same.

14. In the present case, the contents of complaint vis-a-vis preliminary evidence recorded by the learned trial Court makes it abundantly clear that there are very specific and categorical allegations of respondent against the petitioner that the petitioner has deprived the respondent from cultivating a land which was allotted to her, and possession thereof was delivered to her. In addition to above, the allegations are quite specific and categorical qua the fact that the petitioner is cultivating the same. With regard to above, Section 3(1)(f) of the SC&ST Act defines that “whoever, not being a member of a Scheduled Caste or a Scheduled Tribe, wrongfully occupies or cultivates any land, owned by, or in the possession of or allotted to, or notified by any competent authority to be allotted to, a member of a Scheduled Caste or a Scheduled Tribe, or gets such land transferred, shall be

punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine”.

15. Taking into consideration the fact that in the present case there are specific allegations and counter-allegations with regard to possession over the disputed piece of land, at this stage when the entire evidence is yet to be adduced by the respondent, and an opportunity is given to the petitioner to produce defence evidence, this question cannot be determined as to whether this claim of the petitioner is true or not that his possession, which he claims to be a continuous possession since ever is true, or the claim of respondent that the possession of the disputed land was delivered to her in the year 2004. This controversy can be determined on the basis of evidence only and at this stage, there is nothing on record to draw a conclusion that the allegations contained in the complaint with regard to deliver of possession to the respondent are false.

16. If the factual matrix of the present case is analyzed in the light of above mentioned provisions of law, it transpires that without appreciation of evidence the plea taken by the petitioner cannot be decided and therefore, no scope for indulgence and interference in the impugned order is made out.

17. As a sequel to above mentioned observations, it is hereby held that the present petition is devoid of any merit and deserves dismissal. Thus, the present revision petition is hereby **dismissed**.

18. It is, however, made clear that any observation made here-in-above is only for the purpose of deciding the present appeal and the same shall have no bearing on the merits of the case.

19. The pending miscellaneous application(s), if any, shall stand disposed of.

(Surya Partap Singh)
Judge

February 05, 2026
“DK”

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