



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

Sr. No.115**CRR-1891-2017****Reserved on:-10.04.2026****Pronounced on:-18.04.2026****Uploaded on:- _____***Whether only operative part of the judgment is**Pronounced or the full judgment is pronounced:**operative part/full judgment***HARINDER PAL @ PAPPU****...Petitioner****Versus****STATE OF HARYANA****....Respondent****CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU**

Present:- Ms. Navjot Kaur, Advocate for
Mr. B.S. Bhalla, Advocate
for the petitioner.

Mr. Sushil Bhardwaj, Addl. A.G. Haryana.

MANDEEP PANNU, J.

1. The present criminal revision has been filed against the impugned judgment dated 08.05.2017 passed by the learned Additional Sessions Judge, Fatehabad as well as judgment/order dated 29.01.2015/02.02.2015 passed by the learned Sub Divisional Judicial Magistrate, Tohana.

2. Brief facts of the case, as borne out from the record, are that a complaint was received at Police Station City Tohana which was referred to the Senior Superintendent of Police, Fatehabad, wherein the complainants namely Daljit Singh and Jagjit Singh @ Jagga Singh sons of Sunder Singh, residents of village Simbalwala, Tehsil Tohana, District Fatehabad alleged



that on 03.02.2010 accused Harinder Pal Singh son of late Gurbachan Singh had purchased a stamp paper in his own name and executed an agreement to sell (*Ikrarnama Beh*) in favour of Joginder Singh, Darshan Singh and Bahadur Singh with respect to a piece of land measuring 401 square yards situated in village Simbalwala, by falsely representing himself and his brothers namely Harsimran Singh, Gurmeet Singh and Jasbir Singh to be the owners in possession of the said property. It was specifically alleged that the accused had no right, title or interest in the said property. The ownership of the property in question was claimed by complainant Daljit Singh on the basis that Gurbachan Singh (father of the accused), during his lifetime, had executed a registered gift deed bearing No. 688 dated 14.08.1970 in favour of Daljit Singh, whereby the house along with courtyard was gifted to him and he accordingly became owner in possession of the said property. It was further stated that after execution of the said gift deed, Gurbachan Singh left the village and did not reside there for residential purposes. After his death, the accused and his brothers had already sold their agricultural land to the extent of their respective shares and had no land left in the abadi deh of the village. It was further the case of the complainants that as per the record of Abadi Deh of the Simbalwala for the year 1993-94, the complainants were joint owners in possession of house No.1 along with courtyard measuring 1285 square yards out of total land measuring 1718 square yards, whereas a portion measuring 433 square yards had fallen to the share of their brother Balwant Singh in a family partition dated 16.04.2007. Thus, according to the complainants, the accused and his brothers had no concern whatsoever with the property in dispute. Despite having no title, the accused, by



misrepresenting facts and falsely claiming ownership, executed the aforesaid agreement to sell in favour of third persons.

3. It was further alleged that the said agreement to sell was null and void and had no legal sanctity and by executing the same, the accused caused wrongful loss to the complainants and wrongful gain to himself and the proposed vendees. On the basis of the said allegations, investigation was conducted. After completion of investigation, challan was presented before the Court and charge was framed against the accused under Sections 420, 467, 468 and 471 IPC. Thereafter, the prosecution led evidence in support of its case. Upon appreciation of the evidence on record, the learned trial Court held the accused guilty and convicted him for the offences under Sections 420, 467, 468 and 471 IPC and sentenced him to undergo rigorous imprisonment for a period of three years along with a fine of Rs. 2,000/-, vide judgment/order dated 02.02.2015 passed by the learned Sub Divisional Judicial Magistrate, Tohana. Feeling aggrieved by the aforesaid judgment of conviction and order of sentence, the petitioner preferred an appeal before the learned Sessions Judge, Fatehabad, which was dismissed vide judgment dated 08.05.2017. However, the learned appellate Court modified the order of sentence to the extent that the sentence awarded under Section 471 IPC was reduced from three years to two years rigorous imprisonment, while maintaining the conviction as well as the remaining sentence and fine.

4. The learned counsel for the petitioner has vehemently contended that the findings recorded by the Courts below are wholly erroneous and contrary to the settled principles of criminal law. It is submitted that the offence of forgery under Sections 467, 468 and 471 IPC is



not made out in the present case, as there is no allegation or proof that any document was forged by the petitioner. It is argued that the agreement to sell in question was executed in favour of Joginder Singh, Darshan Singh and Bahadur Singh by mentioning therein that the petitioner along with his brothers is the owner in possession of the property, and there is no material on record to show that the petitioner impersonated any other person or fabricated any document so as to bring the case within the ambit of making a “false document” as defined under law. Thus, the essential ingredients of forgery are completely absent. It is further contended that even the offence of cheating under Section 420 IPC is not made out. It is argued that the agreement to sell was executed in favour of the aforesaid vendees, and if at all any person could be said to have been deceived, it would be the said vendees. However, none of the said vendees, namely Joginder Singh, Darshan Singh and Bahadur Singh, has come forward to lodge any complaint against the petitioner or to allege that they were induced or cheated by him. In the absence of any such allegation or evidence of inducement or delivery of property, the basic ingredients of cheating are not satisfied. It is further argued that the complainant Daljit Singh, who claims himself to be the owner of the property on the basis of a gift deed dated 14.08.1970, has not stepped into the witness box to depose in support of the prosecution case. It is contended that Daljit Singh was the most material witness, and his non-appearance has caused serious prejudice to the petitioner, as the prosecution has failed to establish that any deception was practised upon him or that he suffered any wrongful loss on account of the alleged act of the petitioner. In the absence of his testimony, the prosecution



version remains unsubstantiated. It is also contended that the learned Courts below have failed to appreciate that an agreement to sell by itself does not create any right, title or interest in the property and, therefore, no offence can be said to have been committed merely on the basis of execution of such agreement. It is further argued that the documents relied upon by the prosecution are inadmissible and have not been duly proved in accordance with law, and the so-called field book does not establish ownership of the complainants over the property in question. It is further submitted that the prosecution evidence is shaky, inconsistent and insufficient to prove the case beyond reasonable doubt. The learned Courts below have erred in relying upon such evidence and have ignored material contradictions and legal infirmities. It is also argued that the investigation conducted in the present case is doubtful inasmuch as statements of certain persons were recorded who were allegedly not even alive at the relevant time. Lastly, it is contended that the prosecution has failed to discharge its burden of proving the case beyond reasonable doubt, and the petitioner is entitled to the benefit of doubt. Therefore, it is prayed that the impugned judgments of conviction and orders of sentence passed by the Courts below be set aside and the petitioner be acquitted of all the charges.

5. On the other hand, learned State counsel has opposed the present revision petition and supported the judgments passed by the Courts below. It is contended that both the learned trial Court as well as the learned appellate Court have rightly appreciated the evidence available on record and have correctly returned the findings of conviction against the petitioner. It is further contended that the civil dispute with regard to the property in



question already stands adjudicated and the civil suit has been decided in favour of the complainants, wherein it has been categorically held that the gift deed dated 14.08.1970 stands duly proved and validly executed in favour of complainant Daljit Singh. Thus, the ownership of the property in question having been conclusively established in favour of one of the complainants, the petitioner had no right, title or interest in the same. It is argued that despite having full knowledge of the aforesaid fact, the petitioner, in connivance with his brothers, dishonestly executed the agreement to sell in favour of Joginder Singh, Darshan Singh and Bahadur Singh by falsely representing that he along with his brothers was owner in possession of the suit property. Such act clearly demonstrates the dishonest intention of the petitioner from the very inception and establishes that he intentionally misrepresented facts in order to derive wrongful gain. It is further submitted that by executing the said agreement to sell in respect of property which did not belong to him, the petitioner not only attempted to confer unlawful rights upon the vendees but also caused wrongful loss to the true owner, i.e. one of the complainants, and corresponding wrongful gain to himself. Thus, the essential ingredients of the offences of cheating and forgery stand fully satisfied and the petitioner has been rightly convicted under the relevant provisions of the Indian Penal Code. So far as the contention regarding non-examination of complainant Daljit Singh is concerned, learned State counsel has argued that the same is devoid of merit, as the other complainant has duly stepped into the witness box and supported the prosecution case. It is contended that the law does not require examination of each and every witness and the testimony of one reliable



witness is sufficient to prove the prosecution case. Therefore, merely because Daljit Singh did not appear in the witness box, no adverse inference can be drawn against the prosecution. It is thus contended that the prosecution has successfully proved its case beyond reasonable doubt and no illegality or perversity can be found in the impugned judgments passed by the Courts below. Consequently, it is prayed that the present revision petition being devoid of merit be dismissed.

6. I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record of the case with their able assistance. At the outset, certain facts emerge on record which are not in dispute between the parties. It is not specifically denied that the petitioner-accused had executed an agreement to sell dated 03.02.2010 in favour of Joginder Singh, Darshan Singh and Bahadur Singh, wherein he represented himself along with his brothers to be the owners in possession of the suit property. It is also proved on record that thereafter civil litigation had taken place between the parties with respect to the property in question, wherein the gift deed dated 14.08.1970 executed by Gurbachan Singh, father of the accused, in favour of complainant Daljit Singh has been held to be valid and duly proved vide judgment and decree dated 21.02.2013. An appeal was also dismissed vide judgment dated 13.10.2015. Thus, it stands established that the petitioner had no right, title or interest in the suit property. These foundational facts, therefore, are not in serious dispute. The primary question which arises for consideration is whether, on the basis of the aforesaid admitted and proved facts, the offences of forgery and cheating are made out against the petitioner.



7. So far as the offence of forgery is concerned, the same is defined under Section 463 IPC, which provides that a person is said to commit forgery if he makes any false document or false electronic record with intent to cause damage or injury, or to support any claim or title, or to cause any person to part with property. The expression “false document” has been further defined under Section 464 IPC, which essentially contemplates a situation where a document is made dishonestly or fraudulently so as to make it appear that it was made by another person, or by the authority of another person, or where the contents of a document are altered or fabricated in a manner contemplated under the said provision. In the present case, a careful perusal of the record reveals that there is no allegation, much less any evidence, to show that the petitioner had made any “false document” within the meaning of Section 464 IPC. It is not the case of the prosecution that the petitioner had forged the signatures of any person, or that he had impersonated the true owner of the property, or that he had executed the document in the name of some other person without authority. The agreement to sell in question was executed by the petitioner by describing himself and his brothers as owners of the property. At best, the recitals in the agreement regarding ownership are incorrect or false, but a document does not become a “false document” merely because its contents are untrue. The distinction between a false statement and a false document is well settled in law. Thus, in the absence of any material to show that the petitioner created or fabricated a document in the name of another person or without authority, the essential ingredients of forgery are not satisfied. Consequently, the conviction of the petitioner under Sections 467, 468 and 471 IPC cannot be



sustained and the findings recorded by the Courts below to that extent are liable to be set aside. Coming to the offence of cheating, Section 415 IPC defines cheating as deception of any person and thereby fraudulently or dishonestly inducing that person to deliver any property or to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to cause damage or harm.

8. In the present case, the alleged representation of ownership was made by the petitioner in favour of the vendees namely Joginder Singh, Darshan Singh and Bahadur Singh. However, none of the said vendees has come forward to lodge any complaint against the petitioner. There is nothing on record to show that they were induced to part with any money or that any earnest money was ever paid pursuant to the said agreement. It is also an admitted position that the agreement to sell was never acted upon and no further transaction took place on the basis of the same. As regards the complainants, it is evident that they were not parties to the agreement to sell. There is no material to show that any representation was made to them or that they were induced to part with any property. The essential requirement of deception and inducement qua the complainants is, therefore, completely absent. Although one of the complainants, namely Jagjit Singh, has appeared in the witness box, the other complainant Daljit Singh, who is stated to be the owner of the suit property on the basis of the gift deed, has not stepped into the witness box. In the absence of his testimony, it cannot be said that any deception was practised upon him or that he suffered any wrongful loss on account of the alleged act of the petitioner. The offence of cheating is person-specific and requires that the person alleging cheating must have



been deceived and induced to act to his detriment. In the present case, neither the vendees, who were the recipients of the alleged representation, have complained of any deception, nor have the complainants been shown to have been induced or to have suffered any legally cognizable loss. In such circumstances, the foundational ingredients of the offence under Section 420 IPC are not made out.

9. Thus, upon an overall appreciation of the material on record, this Court is of the considered view that the prosecution has failed to establish the essential ingredients of the offences of forgery as well as cheating against the petitioner. The findings recorded by the Courts below suffer from legal infirmity and misapplication of the settled principles of law.

10. Accordingly, the present revision petition is allowed. The judgments of conviction and orders of sentence passed by the learned Courts below are hereby set aside and the petitioner–accused is acquitted of the charges under Sections 420, 467, 468 and 471 IPC. Bail bonds, if any, stand discharged.

11. All pending applications, if any, also stand disposed of.

(MANDEEP PANNU)
JUDGE

18.04.2026
Anu

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