



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

139

Date of decision: 09.04.2026

CRM-M-61365-2023

KAPOOR SINGH AND ANOTHERPetitioners

VERSUS

SURINDER SINGH AND ANOTHERRespondents

(2) CRM-M-64427-2023

JOGINDER KAURPetitioner

VERSUS

SURINDER SINGH AND ANOTHERRespondents

(3) CRM-M-65193-2023

SUKHPREET SINGHPetitioner

VERSUS

SURINDER SINGH AND ANOTHERRespondents

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

Present: - Mr. A.S. Manaise, Advocate
for the petitioner(s) in CRM-M-61365-2023 and
CRM-M-64427-2023.

Mr. Jagdish Singh Mahal, Advocate
for the petitioner(s) in CRM-M-65193-2023.

Mr. A.S. Khinda, Advocate for respondents in all the cases.

VINOD S. BHARDWAJ, J. (Oral)

Challenging the same complaint bearing No. COMI/3/2023 dated 11.01.2023 under Sections 420, 465, 467, 468, 471, 120-B of the Indian Penal Code, 1860 as well as the order of summoning dated 20.03.2023 passed by the Sub Divisional Judicial Magistrate, Sultanpur Lodhi, these three petitions are being decided by a common order.

2. For facility of reference, facts are however extracted from ***CRM-M-61365-2023*** titled as ***“Kapoor Singh and another versus Surinder Singh and another”***.

3. Learned Counsel appearing on behalf of the petitioner(s) contends that the respondent-Surinder Singh and Nirvair Singh had earlier filed one petition under Section 11 of the Punjab Village Common Land Act before the revenue authorities seeking title and possession over the land in dispute mutated in favour of the Gram Panchayat and claiming it to be their proprietary land. The Gram Panchayat appeared in the said proceedings before the Revenue Authorities through the Sarpanch as well as the Panchayat Secretary and placed on record a resolution passed by the Gram Panchayat directing auction of the aforesaid land and also produced certain receipts with respect to the auction money having been received by the Gram Panchayat from the bidders pertaining to the land in dispute. Alleging that the receipts presented by the Sarpanch and the Panchayat Secretary are forged, the aforesaid complaint bearing *COMI/3/2023 dated 11.01.2023* titled ***“Surinder Singh and another versus Sukhpreet Singh and others”*** was

filed for offences under Sections 420, 465, 467, 468, 471, 120-B of the Indian Penal Code, 1860.

4. Learned Counsel appearing on behalf of the petitioners contend that that so far as petitioners Kapoor Singh and Baldev Singh (Petitioners in CRM-M-61365-2023) are concerned, they are neither the Sarpanch nor Panch of Gram Panchayat Mithra, Tehsil & District Kapurthala or hold office as Panchayat Secretary. They are also not signatories to any of the resolution or the receipt that was produced in the proceeding under Section 11 of the Punjab Village Common Land Act before the Revenue Authorities by the Sarpanch & the Panchayat Secretary. It is submitted in reference to Joginder Kaur (Petitioner in CRM-M-64427-2023), that she although was a Panch of the Gram Panchayat and was signatory to the resolution, however, she was not a signatory to the receipts that were produced. It is contended that there is no allegation of any forgery in so far as the Panchayat resolution is concerned and the allegations of forgery were only with respect to the receipts that had been produced by the Sarpanch as well as the Panchayat Secretary in the proceedings under the Punjab Village Common Land Act.

5. As far as Sukhpreet Singh (Petitioner in CRM-M-65193-2023) is concerned, it is submitted that he was authorized Panch and signatory to the resolution as well as to the receipt produced in revenue proceedings, which were post dated.

6. Learned Counsel appearing on behalf of the petitioner Sukhpreet Singh contends that the said receipts were not forged as the amount equivalent to the receipt had already stood deposited in the account of the Gram Panchayat.

7. Counsel for the petitioner(s) contend that in so far as the matter of Kapoor Singh, Baldev Singh and Joginder Kaur are concerned, their status have not been disputed by the respondent in the reply that has been filed, hence, the facts as pleaded remain uncontroverted and undisputed. Resultantly, their order of summoning in the aforesaid case is unsustainable and is liable to be set aside as no criminality can be attributed to them merely on account of Joginder Kaur being signatory to a resolution while no allegation or role has been attributed to Kapoor Singh and Baldev Singh. There is no allegation of any forgery in so far as the resolution is concerned, hence, subjecting the petitioner(s) herein to the protracted criminal litigation would be a travesty of justice.

8. An additional argument has, however, been raised by the Counsel appearing on behalf of the petitioner-Sukhpreet Singh that there is no allegation of any embezzlement or breach of trust on the part of the petitioner and the amount was duly deposited in the account of the Gram Panchayat which corroborates his defence.

9. Counsel appearing on behalf of the respondent contends that a mere deposit of the amount in the account of the Gram Panchayat would not in any way absolve the petitioner Sukhpreet Singh of having prepared forged receipts. Any steps taken by him to strengthen his defence by depositing the amount is merely an afterthought and that the same gives rise to disputed questions of fact against the petitioner herein.

10. I have heard learned Counsel appearing on behalf of the petitioner and taking into consideration the uncontroverted and undisputed facts qua Kapoor Singh and Baldev Singh to the effect that they were neither the signatories to the resolution nor to the receipts and that they have also

not been members of the Panchayat or in capacity of Sarpanch or otherwise and also noticing that there is no allegation against Joginder Kaur to be a signatory to the receipts, which are the only documents alleged to have been forged, these petitions deserve to be allowed. The complaint bearing No. COMI/3/2023 dated 11.01.2023 under Sections 420, 465, 467, 468, 471, 120-B of the Indian Penal Code, 1860 titled as “*Surinder Singh versus Sukhpreet Singh*” as well as the order of summoning dated 20.03.2023 passed by the Sub Divisional Judicial Magistrate, Sultanpur Lodhi under challenge in CRM-M-61365-2023 against Kapoor Singh and Baldev Singh and in CRM-M-64427-2023 against Joginder Kaur are accordingly quashed alongwith all consequential proceedings.

11. In so far as the matter of Sukhpreet Singh (Petitioner in CRM-M-65193-2023) is concerned, there are arguable issues which would arise for consideration which such aspects need not be gone into by this Court in exercise of its inherent powers under Section 482 Cr.P.C. The contention of the petitioner that the amount had been deposited may have been relevant of the allegations against him would have been of embezzlement/criminal breach of trust or of misappropriation. The allegations are rather about forgery of receipts. The said petition is accordingly disposed of as not pressed at this stage with liberty to the parties to take all pleas before the trial Court at an appropriate stage.

(VINOD S. BHARDWAJ)
JUDGE

APRIL 09, 2026
Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No