

Narinder Singh and Another Vs State of Punjab

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Sept. 28, 2010

Acts Referred: Penal Code, 1860 (IPC) â€” Section 419, 420, 467, 468, 471

Hon'ble Judges: Sabina, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

Sabina, J.

Petitioners-Narinder Singh and Bakshi Ram were convicted for an offence under Sections 419, 420, 467, 468, 471 of the

Indian Penal Code ("IPC" for short) by the Sub Divisional Judicial Magistrate Nawanshahar. Vide order of even date, the accused were ordered

to undergo the following sentence:

Under Section 419 IPC The convicts are sentenced to undergo rigorous imprisonment for a period of two years

Under Section 420 IPC The convicts are sentenced to undergo rigorous imprisonment for a period of three years and to pay fine of Rs. 2000/- each.

Under Section 467 IPC The convicts are sentenced to undergo rigorous imprisonment for a period of three years and to pay fine of Rs. 3000/- each

Under Section 468 IPC The convicts are sentenced to undergo rigorous imprisonment for a period of three years and to pay fine of Rs. 3000/- each

Under Section 471 IPC The convicts are sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of Rs. 1000/- each.

All the sentences were ordered to run concurrently. Aggrieved by the same, Petitioners preferred an appeals and the same were partly allowed by

the Additional Sessions Judge, Shaheed Bhagat Singh Nagar vide judgment dated 5.7.2010 whereby the conviction and sentence of accused-

Narinder Singh and Bakshi Ram u/s 419 IPC were set aside and the appeal qua conviction and sentence under the remaining Sections was

dismissed. Hence, the present revision petition has been filed by the Petitioners.

2. The brief facts of the case, as noticed by the Appellate Court in para 2 of its judgment, are as under:

The criminal law was put in motion on the written complaint of Mohan Singh, Amarjit Singh and Rattan Singh dated 13.4.1996 Ex.PA, addressed

to SSP, Nawanshahr alleging therein that their father Kartar Singh, son of Mangal Singh died about three months back and about two years back,

Narinder Singh came to their house and told their father that 119 kanals of land situated in village Chak Kalal is on sale and if Kartar Singh son of

Mangal Singh is interested in purchasing the same, then he can help him in the deal and complainant Mohan Singh was also present at that time and

his father told Narinder Singh that he has sold the land at Banga and is interested in purchasing the said land. He further alleged that again after

some days, Narinder Singh alongwith his brothers Avtar Singh, Arjan Singh sons of Surmukh Singh and Bakshi Ram of village Dhak Pandori came

to their house and settled the deal for the purchase of 119 kanal of land of village Chak Kalal with their father, who was a simple villager. They

further alleged that the sale deal was settled @ Rs. 2.5 lac for 7.5 acres and @ Rs. 3 lac for the remaining 7.5 acres of land and Narinder Singh

and other above stated accused took an amount of Rs. 41.25 lac in installments from their father as cost of the land and also took Rs. 5 lac for

taking the possession of the said land from Avtar Singh and Rs. 2 lac as cost of sale deed and as such, obtained Rs. 48.25 lac in all from their

father and also told their father that he would deliver the sale deeds to the father of the complainant and later on, Narinder Singh gave three sale

deeds in the name of complainant Mohan Singh and five sale deeds in the name of his father at their house and Avtar Singh also delivered the

possession of the said land to the complainant, which was still in the possession of the complainant at the time of complaint, but before the filing of

the complaint, Kartar Singh s/o. Surmukh Singh came to the complainant and told them that the sale deeds in their favour are fake and forged and

they should vacate the land and thereafter, complainant made enquiry and found that Narinder Singh in connivance with above stated other

accused have cheated the complainant and their father and forged the sale deeds for cheating the complainant and their father. Complainant also

alleged in the complaint that Narinder Singh also obtained signatures of Mohan Singh and his father on the sale deeds. On receipt of complaint

Ex.PA, enquiry was marked to DSP, Surinder Singh, who conducted enquiry and gave his detailed report Ex.PW12/A and it was concluded that

the sale deeds allegedly registered in the office of Joint Registrar, Jalandhar are fake, as these sale deeds were never registered in the office of Joint

Registrar, Jalandhar, nor there was any record of these sale deeds in the office of Sub Registrar, Jalandhar and two sale deeds registered in the

office of Sub Registrar, Banga have been executed by some lady impersonating as Sarabjit Kaur and other sale deed was executed by Bakshi

Ram on the basis of the power of attorney of Ram Kaur and Jai Dev Kaur, though Ram Kaur died much earlier to the power of attorney and as

such, those sale deeds are also forged sale deeds and are not genuine. Thereafter, opinion of the DA(Legal) was obtained and the present case

was registered vide FIR Ex.PW12/B. Investigation was conducted and accused were arrested in this case and after completion of investigation,

challan was presented in the court for trial.

3. After hearing the learned Counsel for the Petitioner, I am of the opinion that the instant petition deserves dismissal.

4. In the present case, six accused were sent up for trial. However, during trial, accused Nos. 2 and 3 Avtar Singh and Gurditta Ram died,

whereas, Arjan Singh, accused No. 1 died prior to the presentation of challan. The allegations against the Appellants are that they in connivance

with their co-accused, had sold land to the father of the complainant and took Rs. 41,25,000/- from him. An amount of Rs. 5,00,000/- was

taken for getting possession from Avtar Singh and Rs. 2,00,000/- was taken towards registration expenses. Narinder Singh told the father of the

complainant that he shall send registered sale deeds to the complainant. However, the complainant later came to know that the forged sale deeds

had been prepared by the accused. The possession of the land was given to the complainant. Learned trial Court, while ordering the conviction of

the Appellants observed that on the basis of the complaint made by the complainant Mohan Singh, Deputy Superintendent of Police, Surinder

Singh gave his report after investigation. The said report was duly proved by the said Deputy Superintendent of Police as Exhibit PW-2/A. Sale

deeds in question, Mark 1 to 6, were alleged to be signed by the Joint Registrar, Jalandhar but, in fact, no such sale deeds had been registered in

the Office of Joint Registrar, Jalandhar. The executants of the sale deeds Sarabjit Kaur, Ranjit Kaur, Jaspinder Kaur, Nishchint Kaur, Ram Kaur

and Jai Dev Kaur had died much prior to the execution of the alleged sale deeds. The forged sale deeds were handed over to the complainant and

his father by Narinder Singh Walia (Petitioner) Avtar Singh (since deceased) Arjan Singh (since deceased) and Bakshi Ram (Petitioner).

Prosecution, in order to prove its case, examined complainant Mohan Singh as PW1.

5. Learned trial Court, after examining the evidence on record, has held that the Appellant Bakshi Ram forged the power of attorney in his favour

on behalf of the dead persons and thereafter had executed the sale deeds Exhibit PW3/A and Mark 6 with a view to cheat the complainant and his

father.

6. Bakshi Ram had signed as a witness on the sale deed Mark 2 and he had executed the sale deed Mark 6 as attorney of Ram Kumar and Jai

Dev Kaur although the said lady had died much prior to the date of the execution of the power of attorney. Bakshi Ram also executed the sale

deed Exhibit PW3/A as attorney of Ram Kumar and Jai Dev Kaur. Sale deed Exhibit PW3/B was, allegedly, executed by Sarabjit Kaur in the

Office of Sub Registrar Banga but it was found that Sarabjit Kaur had died much prior to the execution of the sale deed. Bakshi Ram had also

attested the sale deed Exhibit PW3/B. The learned appellate Court in the impugned judgment observed that the complainant, Mohan Singh, Ajit

Singh PW.6 had proved the prosecution version.

7. Appellant Narinder Singh had told the purchaser Kartar Singh that after the execution of the sale, the same would be delivered to him. Appellant

Narinder Singh delivered sale deed Mark 1 to Mark 6 Exhibit PW3/A and PW3/B to the purchaser Kartar Singh although later on it transpired

that the sale deeds Mark 1 to 6 were fake. In these circumstances, the Courts below have rightly convicted the Appellants for an offence under

Sections 420, 467, 468, 471 IPC. The reasons given by both the Courts below while ordering conviction of the Appellants are sound reasons.

The learned Counsel for the Petitioners has failed to point out any misreading of evidence led by the prosecution by the Courts below. Hence, the

impugned judgments call for no interference.

8. Dismissed.