

2025:PHHC:071434



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRR-1767-2008(O&M)

Date of Decision:-26.05.2025

Smt. Sumitra Devi.

.....Petitioner.

Vs.

Ranjit Singh & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Vikram Singh, Advocate for the Petitioner.

Ms. Ruchi Sekhri, Advocate (Amicus Curiae)
for the respondent nos.1 & 2.

Mr. Harkanwar Jeet Singh, Assistant Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The present revision petition has been filed by the complainant/petitioner impugning the judgment of acquittal dated 11.02.2008 passed by Additional Sessions Judge, Fast Track Court, Ludhiana whereby the appeal filed against the judgment of conviction and order of sentence dated 18.12.2004 passed by Additional Chief Judicial Magistrate, Ludhiana was allowed.

2. In the order dated 08.05.2025 Ms. Ruchi Sekri, Advocate was appointed as Amicus Curiae on behalf of respondent nos.1 &2 whereas inadvertently, it was typed as Amicus Curiae for the petitioner. The same being typographical error is hereby ordered to be corrected and in the order

dated 08.05.2025 the attendance of Ms. Ruchi Sekri, Advocate as Amicus Curiae be read on behalf of respondent nos.1 & 2.

3. The FIR in the present case came to be registered on 21.02.1996. The judgment of conviction was passed on 18.12.2004 by the Additional Chief Judicial Magistrate, Ludhiana. The Appeal filed against the order of conviction was allowed on 11.02.2008 by the Additional Sessions Judge, Fast Track Court, Ludhiana thereby acquitting the accused/respondent nos.1 & 2 of the charges levelled against them. The instant revision petition was filed on 06.08.2008 and has come up for final hearing now i.e. after a period of more than 29 years from the date of registration of the FIR.

4. The brief facts of the case are that Smt. Sumitra Devi, widow of Sh. Piare Lal, a resident of H. No. 815, Street No.3, Link Road, Dashmesh Nagar, Ludhiana, filed a written complaint, dated 30.1.1996, Ex.PD, to the then Senior Superintendent of Police, Ludhiana, alleging that, in the year 1993, accused Ranjit Singh, and his wife Gurmail Kaur, residents of Village and Post Office, Nurpur Bet, falling under Police station, Sadar, Ludhiana, proposed to sell their land, as they were, in need of money, for meeting their urgent domestic needs. The complainant and the accused used to together visit Radha Swami Dera, at Beas. The accused offered to sell their 45 Kanals and 15 Marlas of agricultural land in the month of February 1993. Both the accused, executed 2 sale deeds, in favour of the complainant, of their land, measuring 45 Kanals, and 15 Marlas, situated in the revenue limits of Village, Nur Pur Bet and delivered possession thereof to the complainant. The payment of the sale consideration, was made partly, through cheques and partly in cash, by the complainant, to the accused, at the time of execution of sale deeds. The mutation was sanctioned, in favour of the complainant and

entries in the Khasra Girdawaries, regarding possession of land were also incorporated, in her name. After a period of 8/9 months, the complainant came to know, that the accused had earlier sold 7 Kanals and 12 Marlas of land, bearing Khasra No. 29//2, in the year 1992, to Nirmal Singh and his brothers, sons of Jarnail Singh resident of their Village. On a protest being raised by the complainant, the accused filed a Civil suit on 2.2.1995, for declaration to the effect, that they were still owners and in possession of land sold to the complainant and for grant of permanent injunction with the apprehension that the complainant may set the criminal law in motion.

5. The said complaint, was marked to the then D.S.P., Sadar, by S.S.P. Ludhiana for enquiry and report, who sought, the opinion of District Attorney, (Legal), Ludhiana on the basis of which, formal FIR No.54 dated 21.02.1996 Ex PD/1, was registered, under Sections 420/468/471/120B I.P.C., at Police Station, Division No.5, Ludhiana. The Investigating Officer, recorded the statement of the witnesses, under Section 161 Cr.P.C.. and took into his custody, the Sale Deeds, Ex.PB and PC, and certified copy of sale deed Ex PX, and of revenue documents, including jamabandi and Khasra Girdawri, Ex. PE and PF and of mutations Ex. PW 5/A and PW 5/B.

6. Finding a prima facie case, against the accused, they were charge sheeted, under Section 420 IPC to which they pleaded not guilty and claimed trial.

7. In order to substantiate its case, the prosecution examined Nand Kumar, son of Piara Lal, as PW-1, Partap Singh, son of Babu Singh, as PW-2, Sumitri Devi, complainant, as PW-5, Satish Kumar, Revenue Halqa Patwari, as PW-5A, before closer of evidence of the prosecution, by the trial Court.

8. PW-1 Nand Kumar, son of Piara lal deposed that he delivered,

the registered sale deeds, dated 2.2.1995 and 17.2.1995 and 18.3.1995, to the Police, executed, in the name of his mother Sumitra Devi, by accused Ranjit Singh and Gurmail Kaur, and the same were taken into custody by the police vide his recovery memo Ex-PA. He deposed that recovery memo Ex-PA, was signed by him and Joginder Singh.

9. PW-2, Kartar Singh, son of Babu Singh, marginal witness of sale deeds, dated 2.2.1995 deposed that the accused sold 6 acres of land, for consideration of Rs.3,20,500/-, to the complainant Sumitra Devi. He deposed that both the accused, affixed their signatures and complainant Sumitra Devi appended her thumb impressions on the sale deeds admitting the contents, to be correct, on being read over by the deed writer. He also deposed that the payment was made, in his presence, through cheques and cash, by the complainant, to the accused.

10. PW-3 Sumitari Devi, complainant, deposed that both the accused, approached her, in the year 1993 for sale of their land, stating that they were in need of money. The accused were known to her because they together used to visit Radha Swami Dera Beas and they had been frequent visitor to her house due to their friendship. She deposed, that she made the payment through cheques, at the time of execution of the agreement of sale and they executed sale deeds, in her favour, in the year 1995 qua, 5-3/4 acres of land, for consideration of Rs.3.20,500/-. She deposed that after a period of 8/9 months, she came to know that the accused had sold 1 acre of land earlier out of the land sold to her to Nirmal Singh and his brothers. She deposed that after she approached the accused and told them that she has been cheated by them they promised to give her more land in lieu thereof. She identified her thumb impression on her complaint Ex-PD and sale deeds, PB and PC and deposed that she was in possession of the land, which was a

subject matter of these sale deeds.

11. PW-4, DSP Sant Singh, (Retd) deposed, that in the year 1995, he was posted as incharge Anti Fraud Staff Office, Ludhiana, and after taking over the investigation on 22.2.1996 he recorded the statement of witnesses, under Section 161 Cr.P.C. He deposed that copies of sale deeds were taken by him into his custody vide his recovery memo Ex-PA and he took into his custody, the original sale deeds, Ex.PB and PC from the possession of PW-1 Nand Kishore. He also deposed that he arrested the accused and the challan was prepared, by SHO Narinder Bedi, the then SHO Police Station Division No.5, Ludhiana.

12. PW-5, SI Bhupinder Singh deposed that on 21.2.1996, he recorded the FIR, on the complaint Ex-PD of Sumitri Devi, in PS Division No. 6. He proved copy of FIR ex-PD/1 and identified their signatures thereon.

13. PW-5A, Satish Kumar, Revenue Halqa Patwari deposed, that on 19.3.1995 he entered mutation No. 7182 and 7183, on the basis of the copies of sale deeds, Ex-PW5/A and PW 5/B, executed by Gurmail Kaur and Ranjit Singh, qua their share, in the suit land, in the name of complainant Sumitari Devi, widow of Piare Lal. He also deposed that total area of the land, about which mutation was sanctioned in the name of complainant was 45 Kanal 15 Marlas.

14. The incriminating evidence, which came on record, was put to both the accused in their statements recorded, under Section 313 Cr.P.C., wherein they denied all the allegations, made against them and pleaded false implication.

15. Based on the evidence led, the accused/petitioner came to be convicted and sentenced by the court of Additional Judicial Magistrate,

Ludhiana vide judgment and order of sentence dated 18.12.2004 as under:-

Offences under Section	Sentence	Fine	RI/SI in default of payment of fine
Section 420 IPC	RI for 02 Years each	Rs.2000/- each	RI for 01 Month each

16. The accused/respondent nos.1 & 2 preferred an appeal which came to be allowed by the Court of Additional Sessions Judge, Fast Track Court, Ludhiana, vide judgment dated 11.02.2008 thereby acquitting them.

17. The aforementioned judgment of acquittal is under challenge in the present revision petition at the instance of the complainant.

18. The Counsel for the complainant/petitioner along with Counsel for the State contend that the accused/respondent nos.1 & 2 had sold their land first to Nirmal Singh and his brothers on 26.11.1992 and thereafter sold the same land along with other land to the complainant/petitioner vide sale deeds Ex.PB and PC for consideration. When the second set of sale deeds were executed in favour of the complainant, the accused were aware of the fact that they had already sold a portion of the land to Nirmal Singh and others. Thus they had intentionally induced the petitioner/complainant to deliver money to them thereby causing wrongful loss to the petitioner/complainant and wrongful gain to themselves (accused/respondent nos.1 & 2). Therefore, as the offence under Section 420 IPC is clearly made out, the Trial Court had rightly convicted them for the offence in question. The said judgment of conviction has been set aside without any basis whatsoever. He thus contends that the impugned judgment of acquittal passed by the court of Additional Sessions Judge, Fast Track Court, Ludhiana is liable to be set aside and the judgment of the Trial Court convicting the accused/respondents no.1 & 2 be affirmed.

19. The Amicus Curiae for the accused/respondent nos.1 & 2 contends that the prosecution witnesses are discrepant in material

particulars. The prosecution has not been able to prove its case beyond doubt. Strangely, the complainant/petitioner has not initiated any civil proceedings against the accused/respondent no.1 & 2. She thus contends that no fault can be found with the judgment of the lower Appellate Court and the present revision petition is liable to be dismissed.

20. I have heard counsel for the parties.

21. The sale deeds alleged to have been executed in favour of complainant, reveal that interline spacing on the pages, is not equal. Dates of execution are written by hand, although the contents have been typed with a type writer. The name, parentage and address of PW-2, Kartar Singh, marginal witness, is found written with black ink, whereas antecedents of the parties are written with the same typewriter. PW-2, Kartar Singh is also discrepant regarding dates of execution of sale deeds, as he deposed that the first sale deed was executed on 2.2.1995, and second after a period of 15 days. The complainant deposed that the second sale deed, was executed a few days after the execution of the first sale deed. Both the sales deeds Ex-PB and PC, are dated 31.1.1995 but they are shown to have been registered on 2.2.1995 and 17.12.1995 respectively. In the certified copies of these sale deeds, Ex.PY and PZ, one sale deed is dated 31.1.1995 and second is dated 31.1.1994. Therefore there is a doubt about these documents. PW-2 Kartar Singh did not depose, that he had appeared before Sub Registrar, along with the parties, at the time of registration of sale deeds. He did not identify his own signatures affixed on the sale deeds. Therefore, his presence, at the time of execution of sale deeds, is not free from suspicion.

The second marginal witness of sale deeds Ex-PB and PC has not been examined, by the prosecution. Both the sale deeds, bear the signatures of Pashem Singh, deed writer, New Court Complex, Ludhiana.

PW-1 Nand Kumar the son of the complainant admitted this fact, but the scribe was also not examined by the prosecution. The accused did not admit the execution of the sale deed. PW-4 Sant Singh, the retired DSP conceded that police did not file any application in the court for securing specimens signatures of the accused for comparison with their admitted signatures. As per the prosecution case, the accused had also affixed signatures on the earlier deed Ex. PX executed in favour of Nirmal Singh and his brothers, but no effort was made to get the disputed signatures of the complainant compared with his admitted signatures affixed on the said document. PW-4 DSP Sant Singh admitted that he did not join the accused in the investigation and that the challan had been prepared by the police without conducting any enquiry, on the basis of allegations made by the complainant.

PW-1, Nand Kumar, the son of the complainant conceded that the accused had filed a civil suit against his mother before filing of the instant complaint by her. He further conceded that PW-2 Kartar Singh was close is intimate to him, because of their participation, in the Radha Swami Sat Sangs together. He further conceded, that accused had got registered a criminal case under Section 420/467/471 IPC, baring case FIR No.309/1986, at PS Division No.5, Ludhiana, on the allegations, that he had got executed and registered a false sale deed.

In her complaint Ex.PD, the complainant did not disclose the date of execution of sale deeds. She also did not disclose about the source of funds arranged for making a payment of Rs.3,20,500/- to the accused. PW-1 Nand Kumar deposed that the agreement of sale was also executed before execution of sale deeds and at that time the complainant had paid a sum of Rs. 1,20,000/- to the accused, but he failed to disclose the date, month and year. He further conceded, that at the time of execution of the sale deed, a

sum of Rs. 2 lacs had been paid by his mother to the accused. As per his version, his mother had paid Rs.3,20,000/- On the other hand, PW-2, Kartar Singh deposed that a sum of Rs.3,20,500/- had been was paid by the complainant, to the accused, for purchase of their land. In his cross-examination he conceded that he did not know about the amount of money paid by the complainant to the accused in his presence, before he affixed his signatures. He also conceded that he did not know as to how much amount was paid through cheques. The complainant deposed that cheques were given by her to the accused at the time of execution of the agreement of sale. However, the said agreement was not produced on record by the prosecution. She asserted that she had purchased land of the accused for Rs.3,20,500/-. Quite apparently, all the witnesses of the complainant are discrepant regarding total amount of sale consideration and the time of the payment. Therefore it has rightly been held that passing of the sale consideration cannot be presumed, on the basis of recitals, contained in the sale deeds.

22. The prosecution produced on record, certified copies of Jamabandies, for the year 1994-95, Ex-PE and of Khasra Girdawari, for the period 1996, Ex.PF, wherein the complainant was recorded as the owner of the land, sold to her by the accused, including the land, bearing Khasra No. 29//2.7 Kanal 12 Marlas, alleged to have been sold earlier to Nirmal Singh and his brother, vide sale deed Ex.PX, dated 26.12.1995. In case the accused had earlier sold 7 Kanal 12 Marlas of land, bearing Khasra No. 29//2 to Nirmal Singh and his brothers then, entries regarding the said land, would have been incorporated, in the name of those vendees and not in the name of the complainant. PW-5A, Satish Kumar, Halqa Patwari deposed, that he did not know the factual position existing at the spot regarding possession of the

suit land.

23. The prosecution tendered in evidence, the certified copy of sale deed dated 26.11.1992, Ex-PX, alleged, to have been executed by the accused in the name of Nirmal Singh and his brothers. However, neither the scribe of the said document nor any marginal witness was examined. The accused have not even admitted the execution of this document. As mentioned above, land bearing Khasra No. 29//2, measuring 7 Kanal 12 Marias was recorded in as being in the possession of the complainant in the capacity of owner. The prosecution did not examine the vendees, Nirmal Singh and others and there is nothing on record, that the said vendee initiated any proceedings, for recovery of possession of land, either against the complainant or against the accused. The prosecution has not produced the record from the officer of Sub Registrar, to prove the factum of registration. Therefore, due execution of Ex-PX could not be assumed, merely because sale deed Ex-PX, appeared to be a registered document.

24. In view of the above discussion, I find that the prosecution has not proved its case beyond reasonable doubt and therefore, the present petition stands dismissed.

**(JASJIT SINGH BEDI)
JUDGE**

May 26, 2025

Vinay

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No