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

**CRM-M-18183-2017
Date of Decision:-31.07.2025**

JASKARAN SINGH**.....Petitioner****VERSUS****GURPREET SINGH & OTHERS****.....Respondents****CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present:- Mr. Karanjit Singh, Advocate
for the petitioner.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of the order dated 15.07.2016 (Annexure P-1) passed by the Sub Divisional Judicial Magistrate, Gidderbaha, District Sri Muktsar Sahib vide which the complaint filed by the petitioner has been dismissed and further for quashing of order dated 17.01.2017 (Annexure P-2) passed by the Ld. Addl. Sessions Judge, Patiala vide which the revision filed by the petitioner has been dismissed.

2. As per case of the complainant, Malla Singh, Dalip Singh sons of Sajjan Singh resident of Lalbai, besides other land, were owner in possession of land measuring 4K-3 Marlas prior to the consolidation holdings comprised of Khasra No.2961/942/1(3-11), 2961/942/2(1-12), situated in village Lalbai. The said land was mortgaged with possession by them in favour of the grandfather of the complainant namely Ishar Singh son of Kalu Singh for a total consideration of Rs.4,000/- on 11.06.1951 and in



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this regard mutation No.8778 dated 06.09.1951 was also entered and sanctioned. It is further alleged that thereafter the consolidation of holding of village Lalbai took place and in lieu of that land, land measuring 4K-13 Marlas comprised of Rect. No.82, Killa No.14/2(4-13), was carved out. At that time the owners of the said land were Karnail Kaur, Balvir Kaur daughters of Jang Singh as per the revenue record and they both sold the said land to Joginder Singh son of Gurdit Singh, who was the grandfather of accused No.1 Gurpreet Singh, but the land remained in possession of Ishar Singh grandfather of complainant. It is further alleged that through a court decree dated 17.03.1992, the said land was given by Joginder Singh above said to Balvir Singh son of Joginder Singh and Gurpreet Singh accused No.1 in equal share by way of transfer of ownership. In this regard, the note of mutation No.7432 is reflected on the jamabandi for the year 1986-87, but the possession of the said land remained with Ishar Singh grandfather of the complainant. Thereafter the said Balvir Singh sold land measuring 12 Marlas out of land measuring 4K-13 Marlas to Surjit Singh son of Mohinder Singh and in this regard mutation No.7493 was entered and sanctioned and note in this regard is reflected in the jamabandi for the year 1996-97. During the said period Ishar Singh grandfather of the complainant died on 11.02.1987. Thereafter out of the said land, the said Balvir Singh etc. sold land measuring 2 Kanals in favour of accused No.2 & 3 vide sale deed Wasika No.1362 dated 19.09.2000. Thereafter all the accused in connivance with each other hatched a conspiracy and prepared a forged and fabricated receipt in favour of Balvir Singh and Gurpreet Singh accused. In the said receipt, it was shown that Ishar Singh on 07.09.1981 after allegedly receiving Rs.240/-



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redeemed the said land, whereas as per the mutation of mortgage, the mortgaged was Rs.4,000/- and Ishar Singh above said died on 11.02.1987. On 07.09.1981, the said Balvir Singh and Gurpreet Singh did not become owners of the said land. Therefore the question of executing any receipt by Ishar Singh in their favour, did not arise at all. Thereafter the accused on the basis of the said forged receipt, got entered rapat No.254 dated 02.01.2001 in the roznamcha. The said rapat was entered by Patwari Halqa Lalbai Gurdas Singh, which was verified by accused Surinder Kumar Kanungo on 20.01.2001 and on the same day, the mutation on the basis of sale deed, was entered in favour of accused No.2 & 3 and on the same day, mutation Nos.8014 and 8015 were sanctioned but the accused No.6 did not enquire regarding the said receipt from any heir of Ishar Singh, nor were their statements recorded nor any notice sent. Even then the mortgaged land for Rs.4,000/- was redeemed for Rs.240/- only. All this was done by the accused in connivance with each other in order to cause wrongful loss to the heirs of Ishar Singh and to give wrongful gain to accused No.1 to 3. In these circumstances the receipt on the basis of which the land has been shown to be redeemed, is forged and fabricated, which has been prepared by the accused to take wrongful gain. Therefore, the complaint.

3. In preliminary evidence, the complainant examined Baltej Singh Patwari as CW1, Chand Singh Naib Sadar Kanungo as CW2, Mukand Lal Baghla, Document Writer as CW3 and Jaskaran Singh complainant examined himself as CW4. The documents tendered/proved in preliminary evidence are photocopy of mutation No.2778 in Urdu Ex.C1, Punjabi translation of said mutation Ex.C1/A, photocopy of Jamabandi for the year



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1952-53 of Khewat No.131 in Urdu Ex.C2, its Punjabi translation Ex.C2/A, photocopy of Jamabandi for the year 1952-53 of Khewat No.161 in Urdu Ex.C3, its Punjabi translation Ex.C3/A, photocopy of Jamabandi for the year 1961-62 Ex.C4, its Punjabi translation Ex.C4/A, copy of Jamabandi for the year 1971-72 Ex.C5, copy of Jamabandi for the year 1976-77 Ex.C6, copy of Jamabandi for the year 1981-82 Ex.C7, copy of Jamabandi for the year 1986-87 Ex.C8, copy of Jamabandi for the year 1991-92 Ex.C9, copy of Jamabandi for the year 1996-97 Ex.C10, photocopy of mutation No.7432 Ex.C11, photocopy of rapat No.254 dated 02.01.2001 Ex.C12, photocopy of mutation No.8014 Ex.C13, photocopy of mutation No.8015 Ex.C14, photocopy of Jamabandi for the year 2001-02 Ex.C15, photocopy of receipt dated 07.09.1981 Ex.C16, attested copy of sale deed wasika No.1362 dated 19.09.2000, Ex.CW3/A, death certificate of Ishar Singh showing his date of death to be 11.02.1987 Ex.CW4/A and closed the preliminary evidence.

4. The said complaint came to be dismissed by the Court of Sub Divisional Judicial Magistrate, Gidderbaha vide order dated 15.07.2016.

5. The aforementioned order was challenged before the Court of Addl. Sessions Judge, Sri Muktsar Sahib vide Criminal Revision No.156 dated 26.09.2016. Vide order dated 17.01.2017 the said revision petition was dismissed by the Court of Addl. Sessions Judge, Sri Muktsar Sahib.

6. The aforementioned orders are under challenge in the present petition.

7. The learned counsel for the petitioner/complainant contends that though the land alleged to have been given by Joginder Singh to his son Balvir Singh and Gurpreet Singh (accused No.1) in equal share by way of



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transfer of ownership, yet the possession of the said land remained with the petitioner's grandfather Ishar Singh. He contends that the copy of the judgment and decree dated 17.03.1992 has not seen the light of the day till today on the basis of which Joginder Singh had alleged to have transferred land to Balvir Singh and Gurpreet Singh. It is a case where the offence stands established beyond reasonable doubt. Civil proceedings have culminated in favour of the petitioner. Therefore, the impugned judgments be set aside and the accused be summoned to face trial.

8. I have heard the learned counsel for the petitioner.

9. Though complainant/petitioner-Jaskaran Singh himself appeared as CW4 tried to reiterate his stand alleged in the complaint, but all the allegations leveled in the complaint are also qua dispute about the previous ownership as well as mortgage with possession of the property. The complainant also alleged that previously Karnail Kaur and Balvir Singh had sold the land to Joginder Singh grandfather of respondent no.1 Gurpreet Singh, but the land remained in possession of Ishar Singh grandfather of complainant. Further he has alleged that through court decree dated 17.03.1992, the said land was given by Joginder Singh to his son Balvir Singh and Gurpreet Singh accused No.1 in equal share by way of transfer of ownership. As such this judgment and decree dated 17.03.1992 were the material documents, which have neither been produced by the complainant nor proved on record.

10. The complainant also alleged that all the accused in connivance with each other hatched a conspiracy and prepared a forged and fabricated receipt in favour of Balvir Singh and Gurpreet Singh and allegedly



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committed offence under Sections 468/471/120-B IPC. The complainant also produced this receipt as Ex.C16 but this document is only a photocopy and neither was the original receipt produced and nor was any certified copy thereof. Furthermore, the complainant has not got it compared from any expert to prove the fact that the receipt is a forged document. As per allegations Ishar Singh was the author of this receipt, who has since expired on 11.02.1987, but the complainant did not get summon any such record, which proves that this receipt has been forged by the accused/respondent. As such all these allegations levelled by complainant are baseless and he has failed to prove any such forging or fabrication.

11. In the light of the evidence produced by the complainant, it is apparent that neither his own testimony proves the allegations levelled in the complaint and nor the deposition of other witnesses i.e. Baltej Singh Patwari as CW1, Chand Singh Naib Sadar Kanungo as CW2 and Mukand Lal Baghla Document Writer as CW3 prima facie substantiated his allegations.

12. In view of the aforementioned discussion, I find no infirmity in the orders of the Sub Divisional Judicial Magistrate, Gidderbaha, District Sri Muktsar Sahib and the Addl. Sessions Judge, Patiala. Therefore, the present petition stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

31.07.2025

JITESH

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>