

In The Court of Barinder Singh Ramana,
Additional Sessions Judge, Ludhiana, UID No.PB0161

(1)

CRL. APPEAL No.CRA/972/2018
CNR No.PBLD010286322018
DATE OF DECISION: 19.11.2025

Deepak Kumar alias Bobby son of Ranjit Partap Singh, r/o House
No.13615, Street No.07, Mohalla Parbhat Nagar, Dholewal, Ludhiana.

... Convict/Appellant

Versus

State of Punjab

... Respondent.

(2)

CRL. APPEAL No.CRA/985/2018
CNR No.PBLD010287262018

Baljit Singh, aged 70 years, son of Gurdial Singh, resident of St. No.1,
Mohalla Sahibjada Fateh Singh Nagar, Ludhiana.

... Convict/Appellant

Versus

State of Punjab

... Respondent.

(3)

CRL. APPEAL No.CRA/1009/2018
CNR No.PBLD010292402018

Gurdev Singh, son of Tara Singh, resident of House No.12117, Street
No.23, Mohalla Ram Nagar, Backside Sangeet Cinema, Ludhiana.

... Convict/Appellant

Versus

State of Punjab

... Respondent.

Appeals against the judgment and sentence order dated 29.11.2018 passed by the Court of Sh. Ravneet Singh, Ld. Judicial Magistrate First Class, Ludhiana in case FIR No.80, dated 20.5.2011 under Sections 419, 420, 467, 468, 471, 120-B IPC, registered at P.S. Division No.6, Ludhiana,

CLAIM IN APPEAL:

For setting aside the judgment dated 29.11.2018 by way of acceptance of the appeal with the prayer for ordering acquittal of the convicts/appellants from the charges framed against them by quashing the judgment under appeal and for further refund of fine already deposited by the convicts/appellants.

Present: Convict/appellant Deepak Kumar alias Bobby on bail with counsel Shri Abhinandan Sharma, Advocate.

Convict/appellant Baljit Sigh on bail with counsel Ms. Jaspreet Kaur, Advocate.

Convict/appellant Gurdev Singh on bail with counsel Shri G.S. Bal, Advocate.

Ms. Monika Gupta, Addl.P.P for the respondent/State

JUDGMENT:

By way of this judgement, this Court shall decide three appeals one filed by convict/appellant Deepak Kumar alias Bobby, one filed by convict/appellant Baljit Singh and one filed by convict/appellant Gurdev Singh arising out of same judgement. The convicts/appellants have filed the present appeal against the judgment dated 29.11.2018

passed by the Court of Sh. Ravneet Singh, Ld. Judicial Magistrate First Class, Ludhiana vide which, the convicts/ appellant were convicted and sentenced for the offence punishable under Sections 420, 467, 468, 471, 419, 120-B IPC.

2. Brief facts of the prosecution case are that application bearing No.7377-B dated 15.05.2011 was moved by Sub-Registrar, Ludhiana against Jaswinder Singh, son of Jagmohan Singh, Gopal Dass and Baljit Singh to the effect that one application was moved by Col. Jaswinder Singh Sekhon to the effect that wasika no.3376 of 11.03.2011 was got executed by impersonation. Thereafter, on 11.05.2011 Jaswinder Singh son of Jagmohan Singh, Gopal Dass, Sarabjit Singh Nambardar, Baljit Singh were called but except Nambardaar Sarabjit Singh none of the abovesaid persons appeared and Nambardaar Sarabjit Singh in his statement stated that he knew Gopal Dass personally in whose favour wasika no.3376 of 11.03.2011 was executed. Nambardaar Sarabjit Singh had further stated that Gopal Dass brought one Power of Attorney issued in his favour by Jaswinder Singh son of Jagmohan Singh and due to personal relations after checking the voter card no.DBT3524681 issued on 03.08.2008, he attested the same being Nambardaar. After going through the record, it was found that wasika no.3376 of 11.03.2011 was got executed by impersonation. On the directions of ADCP, Ludhiana the case under Section 419/420/467/468/471/120-B IPC was registered at PS Div.No.6, Ludhiana.

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3. Investigation was commenced. As the property in question falls under the jurisdiction of PS Daba, the FIR was sent to PS Daba, Ludhiana and investigation was conducted by ASI Rajinder Parsad who joined Jaswinder Singh Sekhon in the investigation and recorded his statement. Further investigation in this case was conducted by ASI Jaswinder Singh and ASI Dharminder Singh. Accused Baljit Singh and Gopal Dass were arrested. During investigation, it came that wasika no.3376 of 11.03.2011 was got executed by impersonating Jaswinder Singh Sekhon and his voter i-card was also forged. The forgery had been done by Gurdev Singh, son of Tara Singh in connivance with Baljit Singh and Gopal Dass. On 24.09.2012, accused Gurdev Singh was arrested and his statement under Section 27 of Indian Evidence Act was recorded and in his statement he stated that the real name of the person who impersonated Jaswinder Singh was Deepak Kumar @ Bobby, son of Ranjit Partap. On the basis of his statement, accused Gurdev Singh also got recovered forged Power of Attorney. The statements of witnesses were recorded. Requisite memos were prepared. After completion of investigation, challan against accused persons under Sections 419, 420, 467, 468, 471, 120-B IPC was presented.

4. On appearance of accused, copies of challan and other documents supplied to the accused free of costs as required U/s 207 Cr.P.C by the Ld. Illaqa Magistrate.

5. After finding a prima-facie case being made out against the accused, they were served with the charge sheet for having prima-facie

committed the offence under Sections 419, 420, 467, 468, 471 read with 120-B IPC. The accused pleaded not guilty and claimed trial.

6. In order to prove its case, prosecution examined P.W-1 ASI Dharminder Singh, P.W2 HC Sandeep Kumar, P.W3 Harbans Kaur, P.W4 Sohan Singh, P.W5 Jaswinder Singh, P.W6 Harminder Singh, P.W7 ASI Jagdish Raj, P.W8 Kuldeep Singh, P.W9 Jagsir Singh, P.W10 Sanjiv Kumar and P.W11 Arvinder Pal Singh. The prosecution witnesses also brought on record documents i.e. applications Ex. PW10/A, Ex.PW6/B, FIR and signatures on FIR Ex.PW7/A, Ex.PW7/B, power of attorney and photographs thereon and signatures Mark A, Ex.PW8/A, Mark B to Mark G, Ex.PW5/A, Identity card Ex.PW6/A, arrest memos Ex.P1, Ex.P13, Ex.P2 and Ex.P8, arrest-cum-intimation memos Ex.P10, Ex.P5, Ex.P6 and Ex.P14, personal search memos Ex.P4, Ex.P3, Ex.P9 and Ex.P13, special report Ex.P7, disclosure statement Ex.P11, recovery memo Ex.P12, site plan Ex.P15, fard peshgi Ex.P16, sale deed and signatures on sale deed Ex.PA, Ex.PC and Ex.PB, statement Ex.PW9/A, order dated 26.09.02012 Ex.PW9/B.

7. Thereafter, Ld. Addl.P.P for the State closed the prosecution evidence vide statement dated 24.1.2018.

8. The statements of the accused under section 313 Cr.PC were recorded by Ld. Trial Court in which all the incriminating evidence adduced and proved against the accused persons were put to them. The accused denied all the aforesaid incriminating evidence and took the plea that they are innocent and they have been falsely implicated in this case.

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9. Accused had not examined any witness in their defence.
10. After hearing the arguments and after appreciating the evidence, the Ld. Trial Court convicted and sentenced the appellants for having committed the offence punishable under Sections 420, 467, 468, 471, 419, 120B IPC
11. Aggrieved against the judgment of conviction and order of sentence, the convicts/appellants had preferred the present appeals. Notice of the appeals was given to the State and Ld. Addl.P.P appeared on behalf of the State/respondent and contested the appeal. Record of Ld. Trial Court has also been requisitioned.
12. I have heard the submissions made by the learned counsel for the convicts/appellants and learned Addl.PP for the State and have also gone through the record.
13. It has been submitted by Ld. Counsel for appellant Deepak Kumar that no opportunity to cross examine the Investigating Officer was given to the accused/appellant Deepak Kumar. The Ld. Trial Court had hurriedly decided the trial. Transfer application was also filed but before the decision of the transfer application, the Ld. Trial Court decided the case and as such the transfer application had become infructuous. Even, the revision was filed against the order vide which the opportunity to examine the Investigating Officer was declined. Even, said revision had become infructuous. The Ld. Counsel has submitted that the accused/appellant Deepak Kumar had declined to give his specimen signatures at the behest of the Investigating Officer and he was not aware

the consequences of the same. It has been submitted that no signatures of the complainant were taken for comparison. No comparison has been done with the standard signatures of the complainant with the signatures upon the power of attorney. It has further been submitted that Col Jaswinder Singh cannot be made complainant as no cheating had taken place with him. Actually the complainant of the case should be purchaser. The Sub-Registrar had given the opinion that forgery has taken but no record of the office of Sub-Registrar has been proved. The complainant is still in possession of the property. The accused Deepak Kumar has been nominated on the basis of disclosure statement which is not admissible in evidence. The identification of the accused Deepak Kumar is not proved.

14. Ld. Counsel for the appellants Gurdev Singh and Baljit Singh have submitted that the appellants Baljit Singh and Gurdev Singh were attesting witnesses to the power of attorney. They have only attested the execution of the document and they have nowhere identified the persons appending their signatures upon the power of attorney. As attesting witnesses, they have been falsely implicated in this case.

15. The present FIR has been got registered on the basis of complaint moved by Sub- Registrar on the allegations that someone has impersonated Jaswinder Singh Sekhon. The complaint has been proved on record as Ex.PW10/A. During investigation, it transpired that accused Deepak Kumar @ Bobby had impersonated himself as Jaswinder Singh Sekhon and executed Power of Attorney dated 11.03.2011 in favour of Gopal Dass. The accused has pleaded the power of attorney has been

executed by Jaswinder Singh and not by impersonation. Perusal of power of attorney Ex.PW8/A reveals that the photographs affixed on the same is that of Deepak Kumar @ Bobby as executant and in the second photograph Gopal Dass is shown to be standing in whose favour Power of Attorney was executed. The said photographs were taken at the time when the power of attorney was executed. Under these surmises, it can be said that Gopal Dass and Deepak Kumar in connivance with each other had got executed Ex.PW8/A. Further disclosure statement of Gurdev Singh under Section 27 of Indian Evidence Act reveals that he got recovered the original Power of Attorney. Although, the Ld. Counsel for the appellant has disputed the evidentiary value of the disclosure statement suffered by accused/appellant Gurdev Singh but it is a fact that original power of attorney was not filed at the time when the complaint was filed before the Sub-Registrar. The original power of attorney was recovered during the investigation after the arrest of accused/appellant Gurdev Singh. On the basis of the disclosure statement, the name of the accused/appellant Deepak Kumar had surfaced and the recovery of original power of attorney was also effected. Once the facts as stated in the disclosure statement are established in evidence, due reliance can be made upon the said disclosure statement. The existence of the original power of attorney was in the name of Gurdev Singh only who claims himself to be one of the attesting witnesses. The power of attorney was executed in favour of Gopal Dass. So, the power of attorney should have been in the possession of Gopal Dass in case the same was genuinely executed. But when there

is a deception and fraud, then no explanation has come as to how the power of attorney was got recovered on the basis of disclosure statement of Gurdev Singh. If the power of attorney Ex.PW8/A is not forged document, the onus was upon the accused to prove their innocence and false implication. The accused have not led any evidence to prove that Jaswinder Singh himself had got executed the Power of Attorney in favour of Gopal Dass and not by accused Deepak @ Bobby. If Deepak Kumar alias Bobby had not got executed the power of attorney Ex.PW8/A how his photograph came on the power of attorney Ex.PWA8/A. Secondly, why he had refused to give his handwriting and signatures and that of signatures of Jaswinder Singh. So, it can be said that accused Deepak Kumar @ Bobby had executed the power of attorney Ex.PW8/A in favour of Gopal Dass by impersonation as Jaswinder Singh. Moreover, the accused have not denied the execution of power of attorney Ex.PWA8/A. Perusal of file further reveals that after forging the power of attorney, the accused in connivance with each other got the sale deed executed in favour of PW-3 Harbans Kaur. P.W3 Harbans Kaur stepped into the witness box and stated that earlier the sale deed was executed by Gopal Dass in her favour but thereafter compromise was effected between the parties and accused Gopal Das and others had returned the amount of sale consideration which they had received from her. Although, no wrongful loss has been caused to Harbans Kaur but it can be said that the forged Power of Attorney Ex.PW8/A was used by Gopal Dass for executing the sale deed in favour Harbans Kaur.

16. Moreover, vide statement Ex.PW9/A Deepak @ Bobby refused to give his specimen handwriting and signatures and that of signatures of Jaswinder Singh on an application moved by the Investigating Agency. Since accused Deepak alias Bobby refused to give his specimen handwriting and signatures and that of signatures of Jaswinder Singh an adverse inference has been drawn against the accused Deepak alias Bobby and it was held that it is only Deepak Kumar @ Bobby who impersonated himself as Jaswinder Singh due to which he refused to give his specimen signatures/handwriting in the Court. Perusal of file further reveals that the accused have not denied the execution of the Power of Attorney.

17. The accused/appellant Deepak Kumar had refused to have executed the power of attorney by impersonation but his presence has been duly established from the photographs which were taken at the time of attestation of the power of attorney before the Sub-Registrar. No suggestions have been put to the prosecution witnesses regarding the aforesaid photographs in the presence of Deepak Kumar in the aforesaid photographs. No suggestion has been put that in fact the complainant Jaswinder Singh was present in the aforesaid photograph. The submissions of Ld. Counsel that accused/appellant Deepak Kumar had refused to give his specimen and signatures at the behest of Investigating Officer are not sustainable. In case, the accused/appellant Deepak Kumar was innocent, then he should should have easily given his specimen signatures to prove the veracity of the prosecution version. So much so,

even no effort was made by the accused persons to get the signatures on the power of attorney compared with the complainant Col Jaswinder Singh. So, from the discussions, presence of Deepak Kumar is established from the power of attorney itself as it is bearing his photographs which were taken by Sub-Registrar at the time of attestation of document.

18. Complainant PW Col Jaswinder Singh has specifically stated that he had not executed any power of attorney in favour of Gopal Dass. The aforesaid Gopal Dass himself has not led any evidence to establish as to how he is known to Col Jaswinder Singh complainant, what prompted the execution of power of attorney in his favour. There is no evidence led by accused Gopal Dass to establish that he was trusted by the complainant to be his power of attorney holder nor there is any evidence to establish on file that relationship was such that the complainant Col Jaswinder Singh had reposed faith in Gopal Dass to an extent that he willingly executed the power of attorney in his favour. Once Col Jaswinder Singh complainant has denied his signatures on the power of attorney and on the face of it is signatures of Col Jaswinder Singh on the complaint and his statement recorded in the Court does not tally with the power of attorney proved on file, onus was upon the accused persons to rebut the case of the prosecution which they have miserably failed to do so.

19. Another plea has been taken by the accused/appellants that due opportunity to cross examine the Investigating Officer was not accorded to accused/appellant Deepak Kumar. Perusal of the file of Ld. Trial Court reveals that due opportunity was given to the accused persons

to cross examine the Investigating Officer but the conduct of the accused persons show that they create hurdles in the further progress of the case. So, the Ld. Trial Court had moved in the right direction and had treated the cross examination of the Investigating Officer as 'Nil'. The witnesses are to assist the Court to arrive at the right conclusion. The litigants cannot be given free hand to harass the witnesses by calling them time and again for not intentionally examining/cross examining them. Some time, the Courts have to take strict action in this respect by passing such like adverse orders. So, the submission of Ld. Counsel for the appellants on this aspect is not sustainable.

20. From the perusal of file and evidence led by the prosecution, it is that it was well within the knowledge of accused Gopal Dass as well as accused Gurdev Singh and Baljit Singh that accused Deepak Kumar @ Bobby was not Jaswinder Singh who had got executed the Power of Attorney by impersonating as Jaswinder Singh. The accused despite knowledge had got executed the same. Under these surmises, it can be said that the prosecution has been able to prove beyond reasonable shadow of doubt that accused persons have executed false power of attorney in connivance with each other to cause wrongful loss to Jaswinder Singh and wrongful gain to themselves.

21. In view of the above discussions, it is clear that the accused persons after forging the power of attorney used it as a genuine. Accused Baljit Singh is one of the attesting witnesses of the forged Power of Attorney and the the power of attorney was recovered at the instance of

accused Gurdev Singh from his medical store. Therefore, it can be said that all the accused persons in criminal conspiracy have committed forgery and cheating.

22. Thus, considering the aforesaid discussions, the prosecution has been able to prove its case beyond reasonable shadow of doubt. There is no illegality or perversity in judgement and order of sentence passed by the Ld. Trial Court. Thus, the appeals are dismissed being without merits. The judgment and sentence order dated 29.11.2018 passed by Ld. Trial Court are affirmed. The convicts/appellants are ordered to be taken into custody forthwith and sent to the jail for undergoing the sentence awarded by the Ld. Trial Court. The Ld. Trial Court record be returned along with a copy of judgment. Judgement and zimni order in original be placed in file titled 'Deepak Kumar alias Bobby V/s State of Punjab', and true copy of judgement and zimni order be placed in connected files. Appeal files be consigned to Record Room.

Pronounced:
19.11.2025

(Barinder Singh Ramana)
Additional Sessions Judge,
Ludhiana. UID No.PB0161

Raj Kumar, Stenographer