CNR No: PHHC011577902025
2026:PHHC:189523

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-56881-2025
Date of Decision: 13.10.2026

TARANJIT SINGH CHAWLA **... Petitioner**

Versus

STATE OF PUNJAB **...Respondent**

Sr. No.	**Particulars**	**Details**
1.	The date when the judgment was reserved	08.10.2026
2.	The date when the judgment is pronounced	13.10.2026
3.	The date when the judgment is uploaded on the website	14.10.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr.Abhishek Sharma, Advocate
for the petitioner.

Mr. Yatin Bunger, Asstt. A.G., Punjab.

Complainant-in-person along with
His wife Ms.Gagandeep.

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JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 528 of BNSS, 2023 is for quashing of FIR No.155 dated 23.12.2023 (Annexure P-1) registered under Sections 420, 465, 467, 468, 471, 447, 511, 120-B IPC at Police Station Sarabha Nagar, District Police Commissionerate Ludhiana, the

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Final Report under Section 173 Cr.P.C. dated 01.05.2024 (Annexure P-9) presented under Sections 420, 465, 467, 468, 471, 447, 511, 120-B IPC bearing No.CHI/1148/2024, the order dated 17.07.2025 (Annexure P-19) passed by the JMIC, Ludhiana whereby the application for discharge filed by the petitioner has been dismissed and all consequential proceedings arising therefrom.

2. The brief facts of the case are that Harbhajan Singh, Rajinder Singh, Bharpur Singh, Mohan Singh and Amar Singh sons of Ajit Singh were the owners of a plot measuring 1 Biswa 6-2/3 by 3 Biswasi situated at village Barewal Awana, Ludhiana. The said plot was purchased by Phuljit Kaur wife of Karnail Singh, in November 1989. Phuljit Kaur sold the said plot to Gurmail Kaur, wife of Mukhtiar Singh on 07.10.1994. Gurmail Kaur transferred the said plot to one Mukesh, who appointed Nirmal Singh son of Ajit Singh as his power of attorney. Mukesh Kumar through his power of attorney Nirmal Singh sold the property on 13.01.2004 to Jaswinder Singh Rai vide Vasika No.19813 and Mutation No.21089 of this plot was sanctioned in favour of Jaswinder Singh son of Jagjit Singh.

3. Jaswinder Singh sold the said property vide Vasika No.11515 & Mutation No.28796 dated 03.03.2010 to Dharamjit Singh son of Surjit Singh, resident of 224-L, Model Town, Ludhiana. The copy of the sale deed dated 03.03.2010 is attached as Annexure P6 to the present petition.

4. Meanwhile, one Lakhwinder Singh S/o Harbhajan allegedly prepared a forged and fabricated sale deed purportedly executed by Harbhajan

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Singh, Bharpur Singh, Rajinder Singh and Mohan Singh sons of Ajit Singh in his favour dated 11.11.1994 vide Vasika No.25998. The copy of the said sale deed is attached as Annexure P-4 to the present petition.

5. Based on the aforementioned allegedly forged document, Lakhwinder Singh executed a sale deed dated 23.01.2023 in favour of Sanjay Kumar son of late Des Raj and Smt. Taruna for an amount of Rs.14 lakhs. Mutation No.40192 was entered in favour of Sanjay Kumar and Smt. Taruna on 01.03.2023. The scribe/witness to this sale deed was Ramandeep Singh, Advocate and another witness was Taranjit Singh Chawla (petitioner), a property dealer.

6. Dharamjit Singh, the present complainant, came to know from his neighbours that some persons were raising an illegal construction on his property. On an inquiry from the neighbourhood, he came to know that Sanjay Miglani son of Des Raj and Nitish Miglani son of Sanjay Miglani had taken illegal possession of the property. He thereafter filed a complaint to the police on 04.12.2023 leading to the registration of an FIR No.155 dated 23.12.2023 under Sections 420, 465, 467, 468, 471, 447, 511, 120-B IPC Police Station Sarabha Nagar, District Police Commissionerate Ludhiana. The translated version of the complaint along with the inquiry report culminating into the registration of the FIR is as under:-

> *"One application bearing PGD NO. 271112 complaint no.267849 dated 4.12.2023 filed by Dharamjit Singh Resident of 224-L, Model Town and PGD No.274965/271961 dated 12.12.2023 Ludhiana against opposite party Sanjay Miglani etc*

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for registration of the case before the Hon'ble Commissioner of Police, Ludhiana, whereas, the applicant has mentioned in his complaint that "To the Commissioner of Police, Ludhiana. Dear Sir, Subject: Illegal possession of my property I hereby stated that I am resident of 22-L, Model Town, Ludhiana. I own a property Plot no.122, Sunil Park, Ludhiana. I bought this property on 27.02.2010. Eventually, I got it registered in my name. I also have the chain of documents before I purchased this property. I am attaching all the photostats along and can present the originals when required. The latest intkaal is also on my name. I have come to know and saw that some persons have done illegally construction on my above said property. I come to know from the neighborhood that the persons acquiring illegal possession are Mr. Sanjay Miglani S/o Des Raj resident of H.No.678-I, BRS Nagar (94173-56074) and Mr. Nitish Miglani S/o Sanjay Miglani. I humbly request you to take the necessary needful action and help me get my possession. Yours Faithfully Sd/- Dharamjit Singh 99149-35555 Dated 04.12.2023." Whereas, this application was marked to DCP Investigation Ludhiana for conducting enquiry who after conducting deep enquiry on the application, mentioned in his enquiry report that "During the enquiry of the application, on hearing both the parties, produced documents, statement of Halqa Patwari Mohit Kumar, documentary record and from the above said facts, it has brought forward that on 3.3.2010, Plot no.122 measuring 200 sq. yards comprised of Khasra no.1025 situated at Sunil Park, Barewal has been found to be purchased by the applicant Dharamjit Singh from Jaswinder Singh Rai son of Jagjit Singh vide Vasika no.11515 dated 3.3.2010, mutation no.28796 of which is entered in the name of Dharamjit Singh in the revenue record. Through his statement, he has been proving his ownership and possession over the said plot by raising boundary

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wall and by installing a gate, which is attached with the application. The second party Sanjay Kumar had purchased plot bearing property measuring 200 sq. yards situated at Village Barewal Awana, Locality Sunil Park, Ludhiana from Lakhwinder Singh son of Harbhajan Singh resident of House no.87, Second Floor, Shivalik Palm City, Sector 127, Landra District SAS Nagar, Mohali vide Vasika no.2022-23/101/1/11294 dated 23.01.2023 registered with Sub Registrar Ludhiana (West). Whereas as per the statement of Halqa Patwari, mutation of the said property is entered in the name of Sanjay Kumar and Taruna in the revenue record as mutation no.40192 dated 1.3.2023. It is pertinent to mention here that the confirmation has been made by the Patwari through his statement regarding the entering of Khasra no.1025, 1026, 1027, 1028, 1029, 1030, and 1032 in the sale deed bearing document no.202-23/101/1/11294 dated 23.1.2023 executed through Power of Attorney no.25998 dated 11.11.1994 by Lakhwinder Singh in favour of Sanjay Kumar and his wife Taruna. Whereas as per the jamabandi of revenue record for the year 1995-19 of Hadbast no.80, Vasika no.25998 dated 11.11.1994 of this power of attorney is entered at mutation no.5583 in the revenue record by Kamal Kishore son of Amar Nath resident of Village Kakowal, Ludhiana in favour of Kulwant Singh son of Surinder at Vasika no.25998 dated 28.1.1994, which is confirmed vide the jamabandi of revenue record dated 18.12.2023. From which, the power of attorney bearing no.25998 dated 11.11.1994 executed by Lakhwinder Singh has been proved to be forged and fabricated. On this power of attorney, signatures of Harchand Singh Lambardar Village Karabara, Ludhiana, J.S. Deol, Advocate District Ludhiana, Kuljit Singh, seller Krishan Lal Chhabra and purchaser Harbhajan Singh are appearing as a witnesses and it is registered under the signatures of Sub

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Registrar. On the basis of which and on the basis of this forged power of attorney, after executing the sale deed bearing Vasika no.2022-23/101/1/11294 dated 23.1.2023 in favour of Sanjay Kumar and his wife Taruna, mutation no.40192 dated 1.3.2023 has been found to be entered by Patwari Mohit Kumar. On this sale deed, being witnesses Taranjit Singh Chawla Property Dealer, Ramandeep Singh, seller Lakhwinder Singh and purchaser Sanjay Kumar and Taruna have put their signatures which has been found to be registered under the signatures of the office of Sub Registrar Ludhiana (West) Vishavjit Singh Sidhu. From the facts brought forward, recorded statements and records and statements of the Patwari of revenue department, the plot no.122 measuring 200 sq. yards comprised of Khasra no.1025 of the applicant party Dharamjit Singh purchased vide sale deed bearing Vasika no.11515 dated 3.3.2010 is found to be entered at mutation no.28796 of Sunil Park, Barewal Road, Ludhiana in the revenue record on whose plot, the second party Sanjay Kumar and his wife Taruna got the sale deed executed in their favour vide Vasika no.2023-23/101/1/11294 dated 23.1.2023 executed on the basis of forged power of attorney prepared by Lakhwinder Singh vide Vasika no.25998 dated 11.11.1994, whereas this power of attorney bearing Vasika no.25998 by Kamal Kishore son of Amar Nath resident of Village Kakowal executed to Kulwant Singh son of Surinder Singh has been entered in the revenue record at mutation no.5583 dated 28.1.1994. Regarding which, copy of jamabandi (Annexure-A) is attached as a proof. Apart from it, sale deed bearing Vasika no.2022-23/101/1/11294 dated 23.1.2023 registered with Sub Registrar Ludhiana (West) has been found to be executed by Lakhwinder Singh on the basis of Power of attorney bearing Vasika no.25998 dated 11.11.1994 in favour of second party Sanjay Kumar. Instead of Power of Attorney no.25998, Mutation Number 39273 is recorded under

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the document number 1994, and since the typed power of attorney and the original notarized agreement on stamp papers from the year 1994 do not mention official registration numbers, this power of attorney appears to be fake and fabricated and on the basis of these documents of Revenue Department, the power of attorney dated 11/11/1994 witnessed by Harchand Singh, Lambardar of village Karabara Ludhiana, J.S. Deol, Advocate, Ludhiana, Kuljit Singh and the sale deed dated 23.1.2023 executed in favour of Sanjay Kumar and his wife Taruna, which is witnessed by Taranjit Singh Chawla, Property Dealer, Ramandeep Signh, Seller Lakhwinder Singh and purchaser Sanjay Kumar and Sanjay Kumar's wife Taruna after committing conspiracy with each other and in fraudulent intention, all they attempted to usurp the property of applicant Dharamjit Singh in order to cause illegal gain to themselves and they tried to take possession of plot no.122, comprised of Khasra no.1025 situated at Sunil Park, Barewal Road, Ludhiana. In view of this attempt and the above-mentioned facts/documentary records/statements, at a glance after registration of the case under Section 420/467/468/471/447/511/120B IPC at P.S. Sarabha Nagar, investigation is required to be conducted. The role of the Sub-Registrar who registered the forged Power of Attorney with document number 25998 dated 11/11/1994, as well as the Sub-Registrar (West Ludhiana), Vishawjeet Singh Sidhu, who, without proper verification, registered the fraudulent sale deed with document number 2022-23/101/1/11294 dated 23/1/2023 based on this Power of Attorney and the Halqa Patwari Mohit Kumar who recorded Mutation no.40192 dated 1/3/2023, should be examined during the course of investigation and based on the facts that come to light, appropriate legal action should be taken as per the circumstances. If it is acceptable, then the necessary orders may be pronounced to SHO P.S. Sarabha Nagar and in

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this regard, necessary report is attached. Whereas, on reaching the report sent by Hon'ble DCP Investigation to the Hon'ble Commissioner of Police, Ludhiana, the same was marked to District Attorney Ludhiana for obtaining his legal opinion. On which the District Attorney Ludhiana got written in this legal opinion that "After perusal of the above said file, it has come forward that "Plot No.122 measuring 200 sq. yards comprised of Khasra no.1025 situated at Sunil Park, Barewal Road has been found to be purchased by the applicant Dharamjit Singh from Jaswinder Singh Rai son of Jagjit Singh vide Vasika no.11515 dated 3.3.2010, mutation no.28796 of which is entered in the name of Dharamjit Singh in the revenue record. According to which, vide his statement he has proved his ownership and possession over the same by installing a gate and by raising a boundary wall on the said plot. The second party Sanjay Kumar purchased plot bearing property measuring 200 sq. yards situated at Village Barewal Awana, Locality Sunil Park, Ludhiana from Lakhwinder Singh son of Harbhajan Singh resident of House no.87, Second Floor, Shivalik Palm City, Sector 127, Landra District SAS Nagar, Mohali vide Vasika no.2022-23/101/1/11294 dated 23.01.2023 registered with Sub Registrar Ludhiana (West) executed by Lakhwinder Singh and confirmation regarding the entry of Khasra no.1025, 1026, 1027, 1028, 1029, 1030, 1032 has been made by Halqa Patwari in his statement. Whereas, this power of attorney bearing Vasika no.25998 dated 11.11.1994 as per the jamabandi for the year 1995-19, Hadbast no.80 of the revenue record, is entered and registered by Kamal Kishore son of Amar Nath resident of Village Kakowal Ludhiana in the name of Kulwant Singh son of Surinder Singh vide Vasika no.25998 dated 28.1.1994 at Mutation no.5583 in the revenue record, confirmation of which was made from the jamabandi dated 18.12.2023 of the revenue

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record. From where, the power of attorney executed by Lakhwinder Singh no.25998 dated 11.11.1994 is proved to be forged and fabricated. On this power of attorney, signatures of Harchand Singh Lambardar Village Karabara, Ludhiana, J.S. Deol Advocate, District Ludhiana, Kuljit Singh, Seller Krishan Lal Chhabra and purchaser Harbhajan Singh are appearing as witnesses and it is registered under the signatures of Sub Registrar. On the basis of which and on the basis of this forged power of attorney, after executing the sale deed bearing Vasika no.202223/101/1/11294 dated 23.1.2023 in favour of Sanjay Kumar and his wife Taruna, mutation no.40192 dated 1.3.2023 has been found to be entered by Patwari Mohit Kumar. On this sale deed, signatures of Taranjit Singh Chawla Property Dealer, Ramandeep Singh, Seller Lakhwinder Singh, purchaser Sanjay Kumar and Taruna are appearing which is found to be registered under the signatures of Vishavjit Singh Sidhu office of Sub Registrar Ludhiana (West). Enquiry of this application was got conducted from Additional Deputy Commissioner of Police, Investigation-cum-Zone 1 Ludhiana and Deputy Commissioner of Police, Investigation Ludhiana. From the enquiry report and perusal of the case file, it has been found that the power of attorney dated 11.11.1994 bearing Vasika no.25998 which is a forged and fabricated prepared in collusion and connivance with all the above said persons with an intention to usurp the above said property. Hence, as per my opinion if it is acceptable then after registering the case against the witnesses Taranjit Singh Chawla Property Dealer, Ramandeep Singh, Lakhwinder Singh, Sanjay Kumar and his wife Taruna at P.S. Sarabha Nagar under section 420/465/467/468/471/447/511/120B IPC, investigation is required to be conducted. Apart from it, further necessary action shall be taken regarding the role of J.S. Deol, Advocate, Sub Registrar, Ludhiana (West) Vishavjit Singh Sidhu and Mohit

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Patwari during the investigation. Apart from that if role of any other person is come forward, then action can also be taken against him. Report is presented. Whereas, after agreeing with the report of District Attorney Ludhiana, the Hon'ble Commissioner of Police Ludhiana written that "SHO Sarabha Nagar, Register a case and investigate. Sd/- Kuldeep Singh Chahal, Commissioner of Police, Ludhiana. Date: 23/12/2023. Whereas after receiving the original complaint alongwith aforesaid enquiry report in the police station and after registering the FIR under the above said offences against Respondent No. 1) Taranjit Singh Chawla Property Dealer, Respondent No. 2) Ramandeep Singh, Respondent No. 3) Lakhwinder Singh, Respondent No. 4)Sanjay Kumar, Respondent No. 5) Taruna aforesaid, original application and documents and copy of FIR is being handed over to ASI Balvir Singh No.255/LDH, P.P. Raghunath Enclave, Ludhiana. Intimation has been given on Control Room. Closure Rapt no.43 time: 10:30 PM."

7. Pursuant to the registration of the FIR, the challan was submitted under Sections 420, 465, 467, 468, 471, 447, 511, 120-B IPC. The copy of the same is annexed as Annexure P-9 to the petition.

8. An application for discharge was filed which came to be dismissed vide order dated 17.07.2025. A copy of the said order is attached as Annexure P-19 to the petition.

9. The FIR/Challan/Order by which the discharge application was dismissed are under challenge in the present petition.

10. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. In fact, the petitioner is merely

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a witness to the sale deed dated 23.01.2023 (Annexure P-5) executed by Lakhwinder Singh in favour of Sanjay Kumar and Smt. Taruna. This sale deed is not a forged document, though, it is based on an allegedly forged sale deed dated 11.11.1994 (Annexure P-4). Even with due diligence, the petitioner could not have known that the sale deed to which he was a witness, which in turn is based on a sale deed dated 11.11.1994 which is available in the Tehsil is a forged document. An attesting witness to a sale deed cannot be liable for forgery unless there is evidence to show that he was a beneficiary in any manner, or that he would in all probability have known that the document being attested by him was a forged document or otherwise based on another forged document. As per the provisions of the Transfer of Property Act, an attesting witness is a witness to the execution of a document i.e. he only testifies to the effect that he had seen the parties to the document signing the same. He could be said to be identifying the parties/signatories and nothing more. The report under Section 173 Cr.P.C. would reveal no evidence against the petitioner to show that he was aware of the fact that the sale deed dated 23.01.2023 (Annexure P-5) to which he was an attesting witness was based on a sale deed dated 11.11.1994 (Annexure P-4) which he knew to be forged.

Therefore, the FIR No.155 dated 23.12.2023 (Annexure P-1) under Sections 420, 465, 467, 468, 471, 447, 511, 120-B IPC, Police Station Sarabha Nagar, District Police Commissionerate Ludhiana, the Final Report under Section 173 Cr.P.C. dated 01.05.2024 (Annexure P-9) under Sections 420, 465, 467, 468, 471, 447, 511, 120-B IPC bearing No.CHI/1148/2024, the order dated

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17.07.2025 (Annexure P-19) passed by the JMIC, Ludhiana and all consequential proceedings arising therefrom stand quashed qua the petitioner only. Reliance is placed on the judgments in the cases of ***Rataneswar Upadhaya @ Pappu Upadhaya & others Versus The State of Bihar & others, Criminal Miscellaneous No.29045 of 2014, decided on 08.01.2019***, ***Rajesh Versus State of Karnataka, Criminal Petition No.100659 of 2023, decided on 14.09.2023*** and ***Ram Lal & another Versus State of Punjab & another, 2026(3) RCR (Criminal) 592***.

11. The learned State counsel, along with the complainant, who appeared in person with his wife, Ms. Gagandeep, on the other hand, contend that the petitioner is a property dealer who resides nearby. He ought to have known who the actual owner of the property was. The allegedly forged sale deed is dated 11.11.1994 (Annexure P-4). However, the mutation was entered in the name of Lakhwinder Singh in the year 2021-2022, after which Lakhwinder Singh executed the sale deed dated 23.01.2023 (Annexure P-5) in favour of Sanjay and Taruna. Once the mutation was being entered into after 26 years of the execution of the sale deed dated 11.11.1994, the said fact ought to have raised a red flag with the petitioner, who admittedly is a property dealer. He ought to have, then carried out due diligence and only then should have signed the sale deed dated 23.01.2023 as an attesting witness. They therefore contend that the offence is *prima facie* established against the petitioner as well and therefore, the question of quashing of the FIR does not arise and the present petition is liable to be dismissed.

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12. I have heard the learned counsel for the parties.

13. In ***Rataneswar Upadhaya @ Pappu Upadhaya & others Vs. The State of Bihar & others, Criminal Miscellaneous No.29045 of 2014, decided on 08.01.2019***, the Hon'ble Patna High Court has held as under:-

> *"6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, a case for interference has been made out. As has rightly been submitted by learned counsel for the petitioners, in the present transaction, the petitioner no. 1 is merely a witness with regard to the execution of the sale deed and at best also an identifier of the parties and it is not the case that the sale deed has been executed by a fraudulent person through impersonation or the sale deed was never executed. Similarly, the petitioner no. 2, being a purchaser, has no role if the seller i.e., Dinanath Upadhaya had executed sale deed of land which does not belong to him as it was the responsibility of Dinanath Upadhaya to correctly and honestly state the truth. In this regard, the Court would refer to the Judgment of the Hon'ble Supreme Court in the case of State of Haryana v. Bhajan Lal reported as 1992 Supp (1) SCC 335, where at paragraph no. 102, the categories under which the power under Section 482 of the Code should be exercised have been enumerated. The same reads as under:*
>
> > "102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a serious of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be

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exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercise.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156 (1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

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(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

7. The Court finds that the present case is covered under categories 1 and 7 of the aforesaid judgment.

8. Accordingly, the application is allowed. The order dated 20.05.2014 passed in Tr. No. 5752 of 2014 arising out of Complaint Case No. 2236 of 2013 by which the Judicial Magistrate 1st Class Sadar Motihari, East-Champaran has taken cognizance under section 420, 468 and 471 of the Indian Penal Code, as far as it relates to the petitioners, stands quashed."

(Emphasis supplied)

14. In ***Rajesh Versus State of Karnataka, Criminal Petition No.100659 of 2023, decided on 14.09.2023***, the Hon'ble Karnataka High Court has held as under:-

"7. The afore-narrated facts are not in dispute. The private complaint is registered by the 2nd respondent alleging forgery of a GPA and its benefit being taken by accused No.1. The averment in the complaint is that accused Nos.1 to 3 are friends and they are known to the complainant as well. While

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accused No.1 gets all the benefits, accused Nos.2 and 3 have been in active support of acts of accused No.1. The benefit of the forgery is the sale deed. The sale deed is also appended to the petition. A perusal at the sale deed would indicate that the petitioner is an attesting witness to the sale deed. Except this allegation of the petitioner acting as an attesting witness and a friend of accused No.1, there is no other allegation against the petitioner that would touch upon any of the ingredients of the alleged offences.

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9. A perusal at the summary of the charge sheet would also indicate what is narrated hereinabove i.e., the fact that the petitioner being a friend and an attesting witness to the sale deed. It is therefore necessary to consider whether an attesting witness to a sale deed can be hauled up in the web of crime, notwithstanding the fact that the petitioner is not the beneficiary of any of the alleged fraud played by accused No.1.

10. The issue whether an attesting witness can be dragged into the web of crime need not detain this Court for long or delve deep into the matter. The Apex Court in the case of M. Srikanth v. State of Telangana and another reported in 2019(10) SCC 373, wherein it is held as follows:

"18. Let us consider the case of the complainant on its face value without going into the truthfulness or otherwise thereof. It is the case of the complainant that the property originally belonged to her grandmother. After her death, it devolved upon her father, Afzaluddin Hassan and after his death on 28.05.1996, it devolved upon accused No. 1 and his three sisters, namely, Karima Siddiqua, Saleha Asmatunnisa and Sadika

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Khairunnisa. Their father had entered into a development agreement with M/s Banjara Construction Company Pvt. Ltd., however, the same was cancelled during his lifetime. After the death of their father on 28.05.1996, accused No. 3 tried to trespass into the property for which, on the basis of her complaint a crime was registered. That the said M/s Banjara Construction Company Pvt. Ltd. had executed some document alleging assignment of its rights in favour of M/s NRI Housing Company Pvt. Ltd. of which accused No. 3, Abid Rasool Khan was the Managing Director. In respect of the same action, Crime No. 177/1996 had been registered at the instance of the complainant. With respect to the said transaction, two original suits were already filed, one by the complainant and another by her sisters.

19. It is further the case of the complainant, that accused No.1 created a will in Urdu purported to be executed by her grandmother bequeathing the property in favour of her parents, namely, Afzaluddin Hassan and Liaquathunnisa Begum for their lifetime and vesting the remainder to accused No. 1. The said will is created on a nonjudicial stamp paper of Nizamat Jung and has been allegedly executed on 02.04.1950. According to the complainant, accused No. 1, her brother, had created another forged and fabricated document styled as deed of confirmation (Hiba Bil Musha) dated 08.03.1990 confirming the oral gift to accused No. 1 and also recording handing over of physical possession. It is her case, that on the basis of these fabricated documents, accused No. 1, posing himself to be an absolute owner

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of the property, executed a lease deed in favour of accused No. 4 (the appellant herein in one of the appeals) on 01.12.2008. It is further the case of the complainant, that thereafter accused No. 4 executed a sublease in favour of accused No. 5 HPCL represented by accused Nos. 6 and 9 within a period of two months i.e. on 30.01.2009 and that accused Nos. 7 and 8 are the attesting witnesses. That is all the case of the complainant.

20. The complaint filed by respondent No. 2 runs into 26 pages and 26 paragraphs. As already discussed hereinabove, it reveals a disputed property claim based on inheritance between the complainant, her sisters and her brother, accused No. 1. A perusal of the complaint would further reveal, that the complainant also disputes with regard to the area of the property including the manner of its devolution upon the parents of the complainant and her competing interest with that of her siblings. There is not even a whisper in the complaint that the present appellant, i.e., accused No. 4 was fully aware that accused No. 1 was not the sole beneficiary by inheritance and that the property had devolved upon the complainant and her sisters. Also there is nothing to show that knowing this he has collusively entered into the lease agreement with accused No. 1, by creating a false and fabricated will. Though, there is a mention with regard to conspiracy, but there is not even a suggestion with regard to manner of such conspiracy."

11. The said judgment of the Apex Court in the case of M. Srikanth (Supra) is also followed by a learned single Judge of the High Court of Chattisgarh in the case of Nishanth

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Agarwal and another v. State of Chhattisgarh, Through the Superintendent of Police Batouli and another reported in (2021) SCCOnlineCHH 436 wherein the Court has held as follows:

"14. Thereafter, finally the Collector directed to lodge FIR by holding as under:-

15. On the basis of the aforesaid order/direction passed by the Collector, Sarguja, the above-stated offences have been registered against the petitioners and they are being prosecuted for the offences as noticed herein-above. It is the case of the prosecution that the petitioners have attested the two sale deeds as witnesses and as such, the aforesaid offences have rightly been registered against them along with the sellers and the purchaser of the subject sale deeds.

16. At this stage, it would be appropriate to notice section 3 of the Transfer of Property Act, 1882 which defines the word "attested", which states as under:-

""attested", in relation to an instrument, means and shall be deemed always to have meant attested by two or more witnesses each of whom has seen the executant sign or affix his mark to the instrument, or has seen some other person sign the instrument in the presence and by the direction of the executant, or has received from the executant a personal acknowledgement of his signature or mark, or of the signature of such other person, and each of whom has signed the instrument in the

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presence of the executant; but it shall not be necessary that more than one of such witnesses shall have been present at the same time, and no particular form of attestation shall be necessary;"

17. A careful reading of the aforesaid definition of the word "attested" would show that the essential conditions of a valid attestation under section 3 of the Transfer of Property Act are: (i) two or more witnesses have seen the executant sign the instrument of have received from him a personal acknowledgement of his signature; (ii) with a view to attest or to bear witness to this fact each of them has signed the instrument in the presence of the executant.
18. It is essential that the witness should have put his signature animo attestandi, that is, for the purpose of attesting that he has seen the executant sign or has received from him a personal acknowledgement of his signature.
19. The Supreme Court in the matter of M.L. Abdul Jabbar Sahib v. M.V. Venkata Sastri & Sons while considering the definition of the word "attested" as provided under section 3 of the Transfer of Property Act has held that to attest is to bear witness to a fact and if a person puts his signature on the document for some other purpose, e.g. to certify that he is a scribe or an identifier or a registering officer, he is not an attesting witness.
20. In the matter of Banga Chandra (supra), the Privy Council has held that attestation by itself would

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neither create estoppel nor imply consent. It proves no more than that the signature of an executing party has been attached to a document in the presence of a witness.

21. Similarly, in the matter of Pandurang Krishnaji (supra), it has been held by the Privy Council that attestation of a deed by itself estops a man from denying nothing whatsoever expecting that he has witnessed the execution of the deed. It conveys, neither directly nor by implication, any knowledge of the contents of the document and it ought not to be put forward alone for the purpose of establishing that a man consented to the transaction which the document effects.

22. The Lahore High Court in the matter of L. Suraj Bhan v. Hafiz Abdul Khaliq has held that recitals in a deed do not bind the attesting witnesses, for, an attestation pure and simple is not enough to fix, the attestator with a knowledge of the contents of the deed.

23. Likewise, in the matter of Surjeet Singh v. State of U.P. the Allahabad High Court has held that recitals in a deed do not bind the attesting witnesses and thereafter quashed the proceedings against the attesting witnesses. Similar is the decision rendered by that High Court in the matter of Suraya Bali v. State of U.P.

24. In the matter of M. Srikanth v. State of A.P. the Telangana High Court quashed the prosecution of the petitioners therein (A-7 and A-8) who were attestors of the lease deed relying upon the decision

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of the Supreme Court in the matter of M.L. Abdul Jabbar Sahib (supra) by holding as under:-

"8. So far as A.7 & A.8 concerned they are mere attestors of the lease deeds or sub lease deeds of the year 2008 & 2009 executed by A.1 in favour of A.4 and in turn by A.4 in favour of A.5. It is their contention of they have no knowledge of the contents and they have no knowledge of the transactions of source of title of A.1 and claim with reference to will dated 02.04.1950 and deed of confirmation dated 08.03.1990. The law is fairly settled at least from the 3 Judge expression of the Apex Court in M.L. Abdul Jabhar Sahib (supra) that attestation no way fixing attesting witness with knowledge of contents of the document or implying consent for contents of of documents, unless it is established by any independent evidence that to the signature was attached the express condition that it was intended to convey something more than mere witnessing to the execution or attestation. The attestation mainly to mean executing, signing or affixing in the presence of 2 or more witnesses each of whom has seen the executant signing and vice versa and not necessarily more than one of such witness shall present and no particular form of attestation is necessary. From the private complaint averments so far as A.7 and A.8 concerned, there is nothing specifically mentioned of their active role either in committing any offence of cheating or forgery or

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forgery for purpose of cheating or using as genuine a forged document or the like. Having regard to the above, even on the face value of complaint averments, there is no any offence made out against A.7 & A.8 therefrom of mere attestation in view of the settled position of law, for nothing to presume any knowledge of them to the contents of the documents leave apart from no duty caste upon them to verify genuineness of source of title of executant of the document for their attesting.

a). Thus, the proceedings of crime No. 311 of 2010 in so far as A.7 & A.8 are liable to be quashed and accordingly, quashed by allowing the Crl.P. No. 6047 of 2013.

b). Though it is the contention of A.9 that he is also placed in same position from attestation of the sub lease dated 30.01.2009, it requires further discussion in considering any further role of A.9., so also of A.6 being the employees of the entity A. 5, for the sub lease is in favour of A.5 executed by A.4 the lessee from A.1."

25. The decision rendered by the Telangana High Court in the matter of M. Srikanth (supra) was taken to the Supreme Court by accused No. 4 against whom the proceeding was not quashed. The Supreme Court took up the matter of M. Srikanth v. State of Telangana and quashed the proceeding against accused No. 4 also and upheld the order quashing the proceeding against the

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attesting witnesses in paragraphs 27 and 28, which state as under:-

> "27. Insofar as the criminal appeals arising out of the special leave petitions filed by the original complainant is concerned, we absolutely find no merit in the appeals. The learned single Judge has rightly found that there was no material to proceed against accused No. 5 - HPCL and its officers accused Nos. 6 and 9 as also accused Nos. 7 and 8, who have been roped in, only because they were the attesting witnesses. The learned single Judge has rightly exercised his jurisdiction under Section 482 of the Cr.P.C.
>
> 28. Insofar as original accused No. 4 is concerned, we have no hesitation to hold, that his case is covered by categories (1) and (3) carved out by this Court in the case of Bhajan Lal (supra). As already discussed hereinabove, even if the allegations in the complaint are taken on its face value, there is no material to proceed further against accused No. 4. We are of the considered view, that continuation of criminal proceedings against accused No. 4, M. Srikanth, would amount to nothing else but an abuse of process of law. As such, his appeal deserves to be allowed."

*12. The High Court of Chattisgarh has followed the judgment of the Apex Court in the case of M.Srikanth (supra) and an earlier judgment in the case of M.L.Abdul Jabbar Sahib v. M.V. Venkata Sastri & Sons and others reported in 1969(1) SCC **573**. The Apex Court and the High Court of Chattisgarh have elucidated the fact that an attesting*

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witness cannot be hauled into the web of crime, if there is no other allegation except that he is an attesting witness. In the case at hand as well, a perusal at the complaint or the summary of the charge sheet (supra), would indicate no other allegation except the fact that the petitioner was a friend of accused No.1 and an attesting witness to the sale deed. The sale deed is alleged to be the subject of fraud. Therefore, the submission of the learned counsel for the petitioner would merit acceptance and outweigh the submissions made by the learned HCGP for the State.

13. In the teeth of the aforesaid facts, if further proceedings are permitted to continue, it would become an abuse of the process of the law and result in miscarriage of justice.

14. For the aforesaid reasons, the following:

ORDER

(i) The petition is allowed.

(ii) The proceedings in C.C. No.804/2022 before the concerned Court stands quashed qua the petitioner.

(iii) It is made clear that the observations made in the course of the order are only for the purpose of consideration of the case of the petitioner under Section 482 of Cr.P.C. and the same shall not bind or influence the proceedings against the other accused pending before the concerned Court."

(Emphasis supplied)

15. In ***Ram Lal & another Versus State of Punjab & another, 2026(3) RCR (Criminal) 592***, this Court has held as under:-

"17. On applying the ratio of law as discussed above and after hearing learned counsel for the parties and going through the material available on record, this Court is of the

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considered opinion that continuation of criminal proceedings against surviving petitioner No. 1 would amount to abuse of the process of law. A careful perusal of the record would show that the agreement to sell in question was admittedly executed between the complainant and deceased Rajiv Kumar alone. Petitioner No.1 was neither a party to the said agreement nor any allegation has been levelled against him regarding receipt of any amount from the complainant. Even as per the allegations contained in the FIR, the entire transaction pertaining to payment of money and execution of agreement was exclusively between the complainant and deceased Rajiv Kumar. So far as petitioner No.1 is concerned, the only allegation sought to be attributed to him is that he had witnessed the transfer deed executed by deceased Rajiv Kumar in favour of petitioner No.2. Merely being an attesting witness to a transfer deed, by itself, would not be sufficient to attract criminal liability for the offence of cheating or criminal conspiracy in absence of any material showing active participation, dishonest inducement or meeting of minds with the principal accused. There is no material on record to suggest that petitioner No.1 had induced the complainant to part with any money or had made any representation whatsoever to him at the inception of the transaction. The essential ingredients constituting the offence punishable under Section 420 IPC, particularly dishonest intention at the inception of the transaction, are conspicuously absent qua petitioner No.1. The allegations levelled in the FIR, even if taken on their face value, do not disclose commission of any cognizable offence by petitioner No.1. The dispute, at best, arises out

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of alleged non-performance of an agreement to sell executed by deceased Rajiv Kumar and the complainant and no overt act attributable to petitioner No.1 has been brought on record except his presence as a witness to the subsequent transfer deed. It is well settled that criminal proceedings cannot be permitted to continue merely on the basis of vague and omnibus allegations without there being any specific role attributed to an accused. Continuation of criminal proceedings against petitioner No.1, in the absence of any material showing fraudulent or dishonest inducement on his part, would amount to abuse of the process of law.

18. At this stage, it would be apposite to refer to the judgment of Hon'ble Supreme Court in M.L. Abdul Jabbar Sahib v. M.V. Venkata Sastri and Sons and others, (1969) 1 SCC 573, wherein while interpreting the expression "attested" under section 3 of the Transfer of Property Act, it was held that an attesting witness merely bears witness to the factum of execution of the document and signs the same for the purpose of attestation. The Hon'ble Supreme Court explained that an attesting witness only certifies that he has seen the executant sign the document or has received acknowledgment regarding such signature. Reference can further be made to the judgment of Hon'ble Supreme Court in Mohammed Ibrahim and others v. State of Bihar and another, (2009) 8 SCC 751, wherein it was held that merely because a person is a witness to a sale deed, no criminal liability can automatically be fastened upon him in the absence of allegations showing active deception or fraudulent inducement. It was specifically observed that where the ingredients of cheating are not satisfied,

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offences under Sections 417, 418, 419 or 420 IPC are not made out against witnesses to the transaction. Similarly, in Rajesh Jain v. Union Territory of Jammu & Kashmir and others, CRM(M) No. 802 of 2023 decided on 21.10.2024 by the High Court of Jammu & Kashmir and Ladakh, the FIR against an attesting witness was quashed while holding that in the absence of any allegation of cheating, forgery or dishonest intention attributable to the witness, implicating such witness in criminal proceedings would amount to abuse of the process of law. The Court categorically observed that an attesting witness, who is neither beneficiary nor party to the agreement, cannot be hauled into criminal prosecution merely because he witnessed execution of the document.

19. *Likewise, the Karnataka High Court in Rajesh S/o Yallappa Totaganti v. State of Karnataka and another, Criminal Petition No.100659 of 2023 decided on 14.09.2023 held that where the accused was merely an attesting witness to the sale deed and there were no allegations touching upon the ingredients of the alleged offences, continuation of criminal proceedings would not be sustainable. It was observed that an attesting witness cannot be dragged into the web of criminal prosecution merely on account of his signature as a witness in the document in question. A similar view has been reiterated by the Karnataka High Court in Charan S/o Datta Naik v. State of Karnataka and another, Criminal Petition No.100499 of 2024 decided on 21.01.2025, wherein proceedings against an advocate, who was merely an attesting witness, were quashed while observing that in the absence of any material showing participation in the alleged fraud or conspiracy, criminal*

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prosecution cannot continue merely on the basis of attestation of the document.

20. *The principles laid down in the aforesaid judgments fully apply to the facts of the present case. Even if the allegations levelled in the FIR are accepted in their entirety, no prima facie case disclosing commission of offences punishable under Section 420 is made out against petitioner No.1. The allegations against him are vague, omnibus and entirely insufficient to continue criminal prosecution. The case of petitioner No.1, thus, squarely falls within the categories carved out by Hon'ble Supreme Court in State of Haryana v. Bhajan Lal (supra), particularly where the allegations made in the FIR, even if accepted in entirety, do not prima facie constitute any offence against him. However, insofar as petitioner No.2 is concerned, specific allegations have been levelled regarding transfer of the property in her favour during subsistence of the agreement to sell. The questions regarding her knowledge, involvement and alleged connivance with deceased Rajiv Kumar are matters requiring appreciation of evidence, which cannot be adjudicated upon by this Court while exercising jurisdiction at this stage.*

21. *In view of the discussion made herein above, the present petition is partly allowed and FIR No. 0068 dated 16.07.2018, registered under Section 420 IPC at Police Station Kotwali Nabha, District Patiala and all consequential proceedings arising therefrom are hereby quashed qua petitioner No.1 only. However, the proceedings shall continue in accordance with law against petitioner No.2."*

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(Emphasis supplied)

16. The perusal of the aforesaid judgments would reveal that an attesting witness cannot be said to be an accused, if there is no other allegation against him except that he was an attesting witness. The Investigating Agency must *prima facie* establish that either he was a beneficiary of the transaction or that, he is in the facts and circumstances of a particular case, ought to have been aware of the veracity of the document to which he was a signatory as a witness.

17. Coming back to the facts of the present case, it is not in doubt that the petitioner is an attesting witness to the sale deed dated 23.01.2023 (Annexure P-5) executed by Lakhwinder Singh in favour of Sanjay Kumar and Taruna. Effectively, he identified all the signatures to this document. This document in itself is not a forgery. However, Lakhwinder Singh claims to be an owner on the basis of a sale deed executed in his favour by Harbhajan Singh etc. on 11.11.1994. This sale deed is available in the Tehsil record because of which officials of the Revenue Department are also accused. When this document was produced by Lakhwinder Singh, undoubtedly the prime accused, before the petitioner and others, being the basis of the sale deed dated 23.01.2023 (Annexure P-5) the petitioner could not have known even by exercising reasonable due diligence that the said document itself is forged. In fact, even lack of due diligence alone cannot amount to evidence of being in conspiracy with the other accused in order to cheat a person unless the facts and circumstances establish otherwise. In the instant case, there is absolutely

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no evidence to suggest that the petitioner could have known that the sale deed dated 11.11.1994 (Annexure P-4) was a forgery. Even otherwise, as has been mentioned in the judgments (supra), the job of an attesting witness is only to bear testimony to the fact that the buyers and sellers have signed the document in his presence.

18. Keeping in view the above discussion, the continuance of the proceedings emanating out of the FIR would amount to an abuse of the process of the Court at least qua the present petitioner. Therefore, FIR No.155 dated 23.12.2023 (Annexure P-1) registered under Sections 420, 465, 467, 468, 471, 447, 511, 120-B IPC at Police Station Sarabha Nagar, District Police Commissionerate Ludhiana, the Final Report under Section 173 Cr.P.C. dated 01.05.2024 (Annexure P-9) presented under Sections 420, 465, 467, 468, 471, 447, 511, 120-B IPC bearing No.CHI/1148/2024, the order dated 17.07.2025 (Annexure P-19) passed by the JMIC, Ludhiana and all consequential proceedings arising therefrom stand quashed qua the petitioner only. The proceedings shall continue qua the other accused.

19. The pending application(s), if any, shall stand disposed of accordingly.

(JASJIT SINGH BEDI)
JUDGE

13.10.2026
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Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No

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