

CRR-1243-2007

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In the High Court of Punjab and Haryana at Chandigarh

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Date of decision: 09.09.2015

Amandeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. H.S. Gill, Senior Advocate, with
Mr. Vivek Goyal, Advocate, for the petitioner.

Mr. J.S. Sekhon, AAG, Punjab.

SABINA, J.

Petitioner had faced the trial qua commission of offence punishable under Sections 120-B, 411, 465, 468 and 474 of the Indian Penal Code, 1860 ('IPC' for short) in FIR No.166, dated 13.11.1999, registered at Police Station Division No.6, Jalandhar along with his co-accused.

Trial Court vide judgment/order dated 31.07.2006 ordered the conviction and sentence of the petitioner under Section 474, IPC. Aggrieved against the said judgment/order of his conviction and sentence, petitioner preferred an appeal and the same was dismissed by the Appellate Court vide order dated 12.07.2007. Hence, the present petition by the

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petitioner.

Prosecution story, in brief, is that on the basis of secret information, petitioner and his co-accused were apprehended. At that time petitioner and his co-accused was travelling in a car bearing No.PIL-6963. On search of the petitioner, two mobile-phones were recovered, which were taken in possession. From the search of co-accused Karampal Singh, one black bag containing 14 seals/rubber stamps belonging to various authorities and five registration certificates of cars were recovered. So far as the petitioner is concerned, he had suffered a disclosure statement during interrogation that he had stolen vehicles along with his co accused. On the basis of the disclosure statement suffered by the petitioner, one LML Vespa scooter without any number was recovered.

Learned Senior counsel for the petitioner has submitted that so far as the charges framed against the petitioner and his co-accused under Sections 120-B, 411, 465, 468, IPC are concerned, the accused were acquitted of the said charges by the trial Court. Conviction and sentence of the petitioner and his co-accused was ordered by the trial Court only qua offence punishable under Section 474, IPC. Learned Senior counsel has further submitted that so far as forged registration certificates of the cars are concerned, the

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same were not recovered from the petitioner. Petitioner was apprehended while travelling in car bearing No.PIL-6963. With regard to the theft of the said car FIR No.111 dated 17.07.1999, was registered at Police Station Division No.4, Jalandhar, under Sections 379 and 411 IPC. Petitioner and his co-accused were acquitted by the trial Court vide order dated 11.03.2004 (Exhibit D-1) as the prosecution had failed to establish that the car in question had, in-fact, been stolen.

Learned State counsel, on the other hand, has opposed the petition.

In the present case, charges were framed against the petitioner and his co-accused under Sections 120-B, 411, 465, 468, 474, IPC. Petitioner and his co-accused were acquitted of the charges framed against them under Sections 120-B, 411, 465, 468, IPC. Petitioner and his co-accused were convicted and sentenced qua commission of offence punishable under Section 474, IPC. So far as the charge under Section 474 IPC is concerned, the same was framed on account of recovery of forged registration certificates of cars bearing Nos.PB-08-L-8375, PB-09-A-7330, PB-12-G-1407, PB-08-V-4347 and PB-08F-4578. Admittedly, the said registration certificates of the cars in question were not recovered from the petitioner. The said forged registration certificates of the cars were recovered from the possession of

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co-accused Karanpal Singh. Since, the petitioner was acquitted qua commission of offence punishable under Section 120-B IPC, the petitioner could not have been convicted and sentenced qua commission of offence punishable under Section 474 IPC as the forged registration certificates had not been recovered from the petitioner. So far as the recovery of the forged registration certificates from accused Karanpal Singh is concerned, the same was effected at the time of apprehension of the petitioner and his co-accused. Disclosure statement suffered by the petitioner was at a later stage and the registration certificates were not recovered on the basis of the alleged disclosure statement suffered by the petitioner. So far as the theft of the car in which the petitioner and his co-accused were travelling is concerned, petitioner had faced the trial and were acquitted by the trial court vide Exhibit D-1.

In view of the facts and circumstances of the present case, the Courts below had erred in ordering the conviction and sentence of the petitioner qua commission of offence punishable under Section 474 IPC.

Accordingly, this petition is allowed. Impugned judgment/order of the Courts below, whereby, petitioner was convicted and sentenced qua commission of offence punishable under Section 474 IPC are set aside.

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Consequently, petitioner is ordered to be acquitted of the charge framed against him under Section 474 IPC.

September 09, 2015
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(SABINA)
JUDGE