

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision : January 12, 2015

1. CRR No.3652 of 2014

Sarup Singh vs State of Punjab

2. CRR No. 3664 of 2014

Teja Singh vs State of Punjab

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Ms. Harmanpreet Kaur, Advocate
for the petitioner in CRR No.3652 of 2014

Mr. GBS Gill, Advocate
for the petitioner in CRR No.3664 of 2014.

Ms. Amarjit Kaur Khurana, Addl. A.G Punjab
for the respondent.

1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

Ajay Tewari, J (Oral)

This order shall dispose of CRR Nos.3652 and 3664 of 2014, as they arise from the common judgments/orders of conviction and sentence of both the petitioners in the same case.

These revision petitions have been filed against the concurrent conviction of the petitioners in a fraud case. As per the prosecution, petitioner-Sarup Singh appeared before the State Bank of Patiala, Bathinda and by impersonating himself as Surjit Singh presented two vouchers for ₹ 18,900/- and ₹ 19,999/- along with pension pass book. The said payments

were passed by the District Treasury Office, Bathinda. Later a letter was received from the District Treasury Officer that the said vouchers were fake. On 9.4.2001 both the petitioners again appeared before the Bank and by impersonating themselves as Surjit Singh and Amar Singh respectively, presented vouchers for ₹ 9874/- and ₹ 10,418/- respectively. This time the bank officials informed the police and both the petitioners were arrested from the spot.

Both the Courts below convicted the petitioners under Sections 471, 420 and 420 read with Section 511 of the IPC.

Counsel for the petitioners has argued that no specimen signatures of the petitioners were obtained to match the same with the signatures on the alleged fake vouchers/pension pass books and even the pension pass books later went missing from the court record. As per the learned counsel, this is a case of false implication because the petitioners had been genuine pensioners withdrawing pension from the same bank for the last more than seven years and the officials of the bank all knew them.

These facts have been considered by both the Courts below but in view of the unshaken testimony of the bank officials to the effect that the petitioners had tried to pass-off forged pension papers as genuine and they were arrested on the spot, and after considering the fact that the forged pension pass books had been lost and proceedings were also initiated to find/recreate them, the Courts below rejected these arguments.

I see no reason to take a different view.

Counsel for the petitioners have further argued that the petitioners are both now approaching 80 years of age, have faced these proceedings for the last almost 14 years and have now been in custody for

almost four months. As per them, the entire amount has been recovered and these facts would be relevant to reduce their sentence. As regards the question of reduction in sentence, I find some merit in the argument of counsel for the petitioners. Counsel for the respondent has accepted that the petitioners are almost now 80 years of age. In the circumstances, I reduce their sentence to one year.

Another interesting argument raised by counsel for the petitioners is that it was proved that the vouchers bore the signatures of the Treasury Officer but no action was taken against him or the bank officials who had stated that after the payment on 1.3.2001, they had received the report from the Treasury office about this fraud but never bothered to inform the police and neither the Treasury Officer informed the police. With regard to the argument in respect of the inaction on the part of the bank officials, to my mind, the onus of reporting the matter to the police lay with the Treasury Officer who had detected the fraud. It is also intriguing that no action was taken against the Treasury Officer who had passed the pension papers but had denied his signatures on the same. Consequently, even while dismissing the revision petitions and maintaining the conviction of the petitioners and reducing their sentence to one year, I direct the Finance Secretary of the State of Punjab to file an affidavit about the role played by the Treasury Officer and the action taken by the government in respect of the two points mentioned above, on or before 26.2.2015.

January 12, 2015
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(AJAY TEWARI)
JUDGE