

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

CRR No. 3905 of 2014 (O&M)

Date of decision: 26.03.2015.

Resham Singh

..... Petitioner.

Versus

State of Punjab

..... Respondent.

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present:- Mr. Vivek Salathia, Advocate, for the petitioner.

Mr. B.S. Bhullar, AAG, Punjab, for the respondent.

NAVITA SINGH, J.

Respondent – State has put in appearance through Mr. B.S. Bhullar, AAG, Punjab, and the custody certificate filed by him is taken on record.

On the last date, counsel for the petitioner had confined his prayer only to quantum of sentence. He maintains his stand and submits today that he does not press the petition on merits and that the sentence of the petitioner be reduced to the period already undergone by him, i.e. 5 months 23 days, as is seen from the custody certificate.

The petitioner was tried for the offences punishable under Sections 420, 468 and 471 of the Indian Penal Code (for short IPC), but he was convicted and sentenced only under Section 420 of the IPC while he was acquitted for the other offences.

Counsel for the petitioner submitted that even the offence

under Section 420 IPC was not made out because according to the prosecution, he had applied for getting a passport in the name of Gurresham Singh instead of his original name Resham Singh and, therefore, the offence, if any, was triable under the Passports Act, 1967. The petitioner had not actually travelled on any such passport. Rather passport in the name of Gurresham Singh had not been issued. His case, therefore, falls under Section 12 (1)(b) of the Passports Act, as he intentionally furnished false information with a view to obtain a passport. Thus, according to the petitioner, offence under Section 420 of the IPC was not made out and if at all he should have been tried for the offence under Section 12 of the Passports Act.

So far as completion of the offence under Section 420 of the IPC is concerned, it would not mean that if passport was not issued in the wrong name given by the petitioner, he had not made any misrepresentation. The offence, however, would be covered as the definition of cheating includes an intentional inducement to another person to do or omit to do anything which he would not have done or omitted to do if he were so deceived.

The petitioner was earlier deported from Muscat and in his unfettered desire to go abroad, he applied for getting another passport in a different name though he had not changed his parentage and address etc. The petitioner appears to have acted with absolute immaturity.

In any case, merits of the case are not being considered, as the request is only on quantum of sentence.

The petition qua conviction is, therefore, dismissed while the request of the petitioner qua reduction of sentence is accepted. The sentence awarded to the petitioner is reduced to the period already undergone by him in this case and he is entitled to be released forthwith if not wanted in any other matter and it is ordered accordingly.

(NAVITA SINGH)
JUDGE

26.03.2015
Ramesh