

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

CRR-661-2006

Date of decision: 4.8.2016

Harjinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.GS Benipal, Advocate for the petitioner

Mr.Surjeet Singh Chaudhary, DAG, Punjab

SNEH PRASHAR, J.

Petitioner Harjinder Singh having faced trial in criminal case pertaining to First Information Report No.63 dated 14.10.1999 registered under Sections 420, 467, 468, 471 of the Indian Penal Code at Police Station Jalandhar Cantt. was held guilty for the commission of offence punishable under Section 471 IPC and was convicted thereunder by learned Judicial Magistrate, 1st Class, Jalandhar by virtue of judgment of conviction and order of sentence dated 12.8.2003. He was sentenced to undergo rigorous imprisonment for one year and to pay fine of Rs.500/- and in default of payment of fine, to further undergo rigorous imprisonment for seven days. He preferred an appeal against the judgment of

conviction and order of sentence dated 12.8.2003, which was decided by learned Additional Sessions Judge, Jalandhar vide judgment dated 11.2.2006. Considering various aspects of the case, learned Appellate Court reduced the sentence of rigorous imprisonment awarded to the petitioner from one year to six months.

Feeling aggrieved by the judgment of conviction and order of sentence, the petitioner preferred the instant criminal revision.

At the very outset, learned counsel for the petitioner submits that the petitioner does not want to challenge the judgment of conviction on merits. He is a first offender. Neither prior to the instant case nor thereafter he has ever been involved in commission of any offence. He is now engaged in agricultural pursuits and has a family consisting of wife and four children dependent on his meager earnings. His prayer is only for leniency in the matter of sentence.

Learned trial Court as well as learned first Appellate Court consistently held that the petitioner had got himself recruited as Constable on the basis of a matriculation certificate Ex.P1, which ultimately was found to be forged document. As such, he was held guilty and was convicted for the commission of offence under Section 471 IPC. Considering the evidence led by the prosecution at the time of trial and the submissions made today by learned counsel representing the petitioner that he does not challenge the judgment

of conviction recorded against him by learned trial court and learned first Appellate Court, the conviction is maintained.

Coming to the matter of sentence, as per the custody certificate produced by learned State counsel, there is no other criminal case pending against the petitioner. He had also never been involved in any criminal case prior to the case in hand. In other words, admittedly, the petitioner is a first offender. The case was registered in the year 2000 and at that time, as mentioned in the judgment of the trial Court, the age of the petitioner was 36 years, which means, by now he must be around 52/53 years old. He has a family consisting of wife and four children, who need his support and are dependent on his earnings. At this juncture of life, in my considered opinion, it shall be expedient and in the interest of justice, if instead of sending him behind the bars, he is given the benefit of probation.

Accordingly, the petitioner is ordered to be released on probation under Section 4(i) of Probation of Offenders Act for a period of one year subject to his furnishing required probation bonds to the satisfaction of learned Chief Judicial Magistrate, Jalandhar. The bonds shall be furnished within one month from the date of receipt of the certified copy of this judgment, failing which the present revision petition shall be deemed to have been dismissed.

It is further directed that the petitioner shall keep peace and will bear good behaviour during the period of probation and will surrender before the Court as and when called upon to do so. In addition to the same, the petitioner shall deposit Rs.4500/- as litigation expenses and the amount of fine already deposited by him i.e. Rs.500/- is also converted into the litigation expenses.

The present criminal revision petition is disposed of accordingly.

4.8.2016
gsv

(SNEH PRASHAR)
JUDGE

Whether speaking / reasoned?

Yes

Whether reportable?

No