

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

**CRR No.3136 of 2012 (O&M)
Date of Decision: August 24, 2016**

Ram Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.R.S.Chahal, Advocate
for the petitioner.

Mr.Vikas Chopra, Deputy Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Ram Singh under Section 401 Cr.P.C. against respondent State of Punjab, challenging the impugned judgment of conviction dated 23.11.2010 and order of sentence dated 25.11.2010 passed by learned Addl. Chief Judicial Magistrate, Fatehabad, vide which the petitioner along with co-accused was convicted and sentenced to undergo rigorous imprisonment for a period of three years and to pay fine of ₹1,000/- and in default of payment of fine, to undergo simple imprisonment for a period of fifteen days under Sections 420, 466 and 468 IPC each and further to undergo rigorous imprisonment for a period of two years under Section 471 IPC and also challenging the judgment dated 25.09.2012 passed by learned Addl. Sessions Judge,

Fatehabad, vide which appeal filed by petitioner was dismissed. All the sentences were ordered to run concurrently.

From the record, I find that the challan was presented against Subhash Kumar, Ram Singh and Gian Chand in case FIR No.594 dated 03.12.2004 under Sections 420, 466, 468, 471 and 120-B IPC. The brief facts of the case as noted down in the judgment passed by learned ACJM, Fatehabad, are as under:-

“The facts in brief are that on 3.12.2004 a court order was received in the police station wherein it was stated that a bail bond was furnished in the court of learned Chief Judicial Magistrate, Fatehabad wherein the surety was found to be fake. In fact accused Gian Chand was to be released on bail by the orders of the court and the matter was that Dalip Singh son of Kartar Singh was shown as surety for accused Gian Chand in a case under sections 328/379/34 IPC of FIR No.505 dated 20.10.2002 Police Station Ratia. This Dalip Singh was identified by Ram Singh Panch, Gram Panchayat Bhirdana. Overleaf the surety bond affidavit of Dalip Singh was also appended to the effect that he owns 1 acre of land of approximately 1,50,000/- value. When accused Gian Chand became absent in that case then notice to Dalip Singh alleged surety was sent. Original Dalip Singh in whose name fake surety bond was submitted replied that he never stood surety for Gian Chand and in fact on that date he was performing Government duty in the office of Government High School Sardarpura Beeka, Rajasthan. Learned court of Addl. Sessions Judge, Fatehabad held that Gian Chand accused for whose benefit surety bond was given and Ram Singh who identified fake surety Dalip Singh have committed offences under Sections 120-B/420/466/468/471 IPC and the matter was sent to SHO, Police Station, City Fatehabad to register the FIR and investigate the matter. The learned court also directed that fake person who was imposter and gave surety in the name of Dalip Singh should be arrested. Specimen signature of original Dalip Singh for comparison with the one present on the bail bond were also directed to be taken by the SHO concerned alongwith original bail bond which was fake to the extent of surety whereby accused Gian Chand in that case secured his release from the jail. The identity card, ration card and other necessary documents or original Dalip Singh were also sent. Upon it present case was got registered initially the investigations were carried out by Sada Ram Sub Inspector, City Fatehabad. In the presence of Tehsildar left thumb impressions, impressions of fingers of original Dalip

Singh were obtained and those prints were got attested from the Executive Magistrate and thereafter the investigations were carried by SI Ajaib Singh. Ajaib Singh SI got issued production warrants of accused Subhash and Ram Singh as Ram Singh before the court of learned Addl. Sessions Judge recorded a statement that in the court of learned Chief Judicial Magistrate, Fatehabad at the time of furnishing bail bond he had produced Subhash son of Bhura Ram resident of Bhirdana, Tehsil & District Fatehabad instead of Dalip Singh. Both Ram Singh and Subhash were joined in the investigation. They were arrested. Finger prints and the specimen signatures of original Dali Singh Subhash and Ram Singh identifier were sent to Fingers Print and Specimen Director, Finger Prints Bureau Haryana Madhuban. Accused Gian Chand who secured his release by way of that fake bail bonds could not be arrested and ultimately he was declared as proclaimed offender. After completion of other necessary formalities, challan against Subhash, Ram Singh identifier were produced in the court for trial.”

Learned ACJM, Fatehabad, after appreciating the evidence, convicted and sentenced the petitioner along with co-accused as stated above. An appeal was filed by the petitioner and the same was dismissed by learned Addl. Sessions Judge, Fatehabad, vide judgment dated 25.09.2012.

Aggrieved from the above-said judgments, present revision petition has been filed.

Notice of motion was issued and learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

First of all, I find that at the time of arguments nothing has been pointed out as to which material evidence has been misread and which material evidence has been left to be considered by the Courts below. Nothing has been pointed out as to how the findings given by learned Courts below are perverse or against the evidence. Nothing has been

pointed out as to what illegality has been committed by the Courts below and how the findings are against the law.

As per the allegations, fake surety appeared, who was identified by present petitioner Ram Singh before the trial Court for getting released Gian Chand co-accused in a case registered against him under Sections 328, 379 and 34 IPC. When the accused absented and the proceedings were started, then it came to the notice of the Court that Gian Chand for whose benefit the surety bond was given and Ram Singh, who identified fake surety Dalip Singh, have committed the offence.

Both the Courts below after discussing the evidence and record, gave consistent findings of conviction and sentence against the present revision petitioner. It is in the judgment that present revision petitioner, in the Court of learned Addl. Sessions Judge, during the proceedings under Section 446 Cr.P.C., identified Subhash, who impersonated Dalip Singh and to whom Ram Singh identified as Dalip Singh.

In view of the evidence and in view of the confession of the accused before learned Addl. Sessions Judge, Fatehabad, I find that judgments passed by the Courts below are correct and as per law. This is a revision petition. In the revision petition, this Court is not to re-appreciate the evidence like Court of an appeal. There is nothing to show that any illegality has been committed by the Courts.

In view of the above discussion, I find that the findings given by learned Courts below qua conviction are correct, as per law and in no way, these can be held as perverse.

Learned counsel for the petitioner prayed for reduction of sentence on the ground that petitioner is suffering from criminal trial since

2004 and he was 93 old at that time and poor person.

Keeping in view the age of the petitioner and in view of the fact the petitioner is suffering from long protracted criminal trial since 2004 i.e. for the last 12 years, the sentence imposed upon the petitioner is reduced and he is directed to undergo rigorous imprisonment for a period of one year instead of three years under Sections 420, 466 and 468 IPC and to undergo rigorous imprisonment for a period of one year instead of two years under Section 471. However, sentence of fine and in default thereof, will remain the same. All the sentences are ordered to run concurrently.

With the above-said modification in the sentence, the present revision petition stands dismissed.

August 24, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No