

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Revision No.4693 of 2015

.....

Date of decision:20.5.2016

Jeet Singh and others

...Petitioners

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. D.D. Singla, Advocate for the petitioners.

Mr. P.S. Grewal, Deputy Advocate General, Punjab for the respondent-State.

Mr. Sukhdeep Parmar, Advocate for the complainant.

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Inderjit Singh, J.

This criminal revision petition has been filed under Section 401 Cr.P.C. challenging the impugned judgment dated 22.9.2015 passed by learned Additional Sessions Judge, Jalandhar, vide which the appeal filed by the petitioners against the impugned judgment of conviction and order of sentence dated 30.5.2013 passed by learned Judicial Magistrate Ist Class, Nakodar, convicting the petitioners for the offences under Sections 120-B, 465, 467, 468 and 471 IPC and sentencing them to undergo rigorous imprisonment for two years each and to pay a fine of ₹200/- each and in default of payment of fine to further undergo rigorous imprisonment for fifteen days each for the offences under Sections 467, 468 and 471 IPC on

three counts and to undergo rigorous imprisonment for eight months for the offence under Section 120-B IPC each and further to undergo rigorous imprisonment for one year each for the offence under Section 465 IPC, has been dismissed.

Notice of motion was issued in this case.

Mr. P.S. Grewal, learned Deputy Advocate General, Punjab has put in appearance on behalf of the respondent-State and Mr. Sukhdeep Parmar, learned Advocate has put in appearance on behalf of the complainant and contested this revision petition.

I have heard learned counsel for the parties as well as learned Deputy Advocate General, Punjab and have gone through the record.

At the time of arguments, learned counsel for the revision petitioner has not argued qua the conviction of the petitioners and only argued for reducing the sentence.

I have gone through the judgments passed by the Courts below.

The brief facts of the prosecution case, as noted down in the judgment dated 30.5.2013 passed by the learned Judicial Magistrate Ist Class, Nakodar, are as under:-

“Brief facts of the present case are that on 11.9.1997 Surinder Singh son of Dalip Singh resident of Village Sidhpur PO Lohian Khas, Tehsil Shahkot moved a written complaint addressed to DGP Chandigarh, which was marked to SSP for disposal at own level. The written complaint was filed against Gajjan Singh son of Basant Singh, Puran Singh son of Basant

[3]

Singh, Phuman Singh son of Bhan Singh, Jeet Singh son of Bachan Singh, all resident of Village Harnampur Vadhel, Tehsil Sultanpur Lodhi, District Kapurthala, Dhanraj Singh Lamberdar Shahkot and Sucha Singh son of Narain Singh resident of Village Harnampur Vadhel Mouja, Tehsil Sultanpur Lodhi, District Kapurthala. It is the case of the complainant that land measuring 6 kanals-18 Marlas being 3/18 share of land measuring of land measuring 18 Kanals-17 Marlas (Chahi in kind) comprised in K/K 245/310, Khasra No.27//8/2(6-16), 9/1(2-9), 12/2(0-14), 13(5-16), 14/1(2-12) was situated in Village Sidhpur, Tehsil Shahkot, as per jamabandi for the year 1992-93. In the revenue land, i.e. jamabandi, the land was recorded in the name of Sunder Singh son of Nihal Singh son of Lal Singh to the extent of 1/8 share and Assa Singh, Bagga Singh sons of Fateh Singh son of Hari Singh to the extent of 1/4 share. Sunder Singh and Assa Singh and Bagga Singh are dead. On behalf of all the three vendors i.e. Sunder Singh, Assa Singh and Bagga Singh other persons impersonated and have succeeded in getting the sale deed executed and registered, which is a fabricated document. It is the case of the complainant that nowadays the photographs are pasted on the sale deed and photographs pasted to the sale deed in question are of Gajjan Singh, Puran Singh and Phuman Singh, all resident of Tehsil Sultanpur Lodhi. In this way, all the above

[4]

said three persons, whose photographs are pasted on fabricated sale deed have impersonated the real owners, who are already dead. In this way, the accused persons have entered into a conspiracy with Jeet Singh son of Bachan Singh resident of Harnampur Vadhel with a view to grab the property. Not only this no Lamberdar from the village was called and no panchayat member was called from the village. The accused persons prevailed upon Sub Registrar, Shahkot. Similarly Sucha Singh son of Narain Singh resident of Harnampur Vadhel testified wrongly. In this way, a false and fabricated document has been prepared to grab the land of Sunder Singh, Assa Singh and Bagga Singh. Finally the complainant requested for registration of case under Section 419/420/465/468/471/120-B of IPC.”

As per the record, challan was presented against six accused and Sukhwinder Singh has been summoned under Section 319 Cr.P.C. Three of the accused Gajjan Singh, Dhanraj Singh and Sucha Singh died during the pendency of the proceedings and the proceedings have been abated qua them. The remaining four accused have been convicted and sentenced by the learned Judicial Magistrate Ist Class, Nakodar.

From the record, I find that Darshan Singh and Bagga Singh sons of Sunder Singh were the owners of the land and they had already died at the time of execution of the sale deeds. Therefore, Phuman Singh, Gajjan Singh and Puran Singh by impersonating themselves as above deceased persons got executed these forged sale deeds. Jeet Singh also got executed

the sale deed in favour of his son Sukhwinder Singh. Therefore, as per the prosecution version, they also conspired with the other co-accused. From the perusal of the evidence on record and the findings given by the learned lower Court, I find that the petitioners have been rightly convicted for the offences under Sections 120-B, 465, 457, 468 and 471 IPC by the learned Magistrate. There is nothing on the record that these findings are perverse and against law. Otherwise also, finding of conviction has not been contested by the learned counsel for the petitioners. Therefore, the conviction of the petitioners is upheld.

As regards the quantum of sentence, I find that the petitioners are suffering from the long protracted criminal proceedings since the year 1997 i.e. for about 19 years. The accused persons are stated to be old persons. The petitioners Phuman Singh has already undergone actual sentence of seven months and 17 days and has earned remission of 20 days upto 2.3.2016 which means that now he had undergone about 11 months. Jeet Singh has undergone nine months and five days upto 2.3.2016 and now has undergone about one year of the sentence. Similarly, Puran Singh has undergone about one year of sentence. Accused Sukhwinder Singh who had not signed the sale deed nor impersonated has already undergone about 8 months of the sentence including remissions.

Keeping in view the facts and circumstances of the present case, I find that at the time of arguments, it is also admitted by the complainant that the present accused are otherwise the LRs of deceased persons and the property had come to their share by way of inheritance.

[6]

Keeping in view the facts and circumstances of the present case and keeping in view the above discussion and the fact that the petitioners have suffered a lot since 1997, the present revision petition is partly accepted and the sentence of the petitioners is reduced to the sentence already undergone by them. Petitioners Jeet Singh, Puran Singh, Phuman Singh and Sukhwinder Singh, who are in custody, be released forthwith if their custody is not required in connection with any other case, subject to payment of fine, if already not paid.

May 20, 2016.

(Inderjit Singh)
Judge

hsp