

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

CRR No.4067 of 2016 (O&M)
Date of Decision: November 29, 2016

Manminder Singh

...Petitioner

VERSUS

U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Pankaj Bhardwaj, Advocate
for the petitioner.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Manminder Singh against respondent State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 11.03.2015 passed by learned Judicial Magistrate Ist Class, Chandigarh, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of one year under Sections 419 and 465 IPC each and also challenging the judgment dated 25.10.2016 passed by learned Addl. Sessions Judge, Chandigarh, vide which appeal filed by petitioner was dismissed.

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

From the record, I find that the challan was presented against petitioner in case FIR No.314 dated 07.12.2009 under Sections 419, 467,

468, 471 and 473 IPC registered at Police Station 11, Chandigarh. The brief facts of the case as noted down in the judgment passed by learned JMJC, Chandigarh, are as under:-

“2. The brief facts of the prosecution case are that on 7.12.2009 SI Tilak Raj along with other police officials was on patrolling duty near students Centre Sector 14, Chandigarh. At about 5.40 P.M. secret information was received that Tata Safari is standing near the students Centre and same bears fake number plate. The car is being driven by one Manminder Singh who has fake identity card. On the basis of this intimation, police party reached the ground in front of Students Centre and the Tata Safari along with its driver was apprehended. The Tata Safari bore No.CH-03-J-0001 and was being driven by one Manminder Singh son of Bakshish Singh, resident of VPO Rauni PS Payal, District Ludhiana. He produced an identity card No.T-0245 posing himself as an ASI in PAP. The car bore the No.CH-03-J-0001. Manminder was asked to produce documents to prove his ownership of the car but he failed to do so. The number was verified from control room wherein intimation was received that this number is of one Ford Mondeo and is in the name of M/s Saraya India Ltd. and therefore Manminder Singh is using fake number. The police photographer was summoned and number plates were photographed and parcel was prepared. The fake number plate was lifted and the original number of the car was discovered to be PB-10-BZ-T-9573. Manminder Singh also admitted that he is doing law and is using the identity card of PAP illegally. On the basis of the same, investigation proceedings was carried out. FIR was registered. Accused was apprehended. Rough site plan was prepared. Statement of the witnesses were recorded. After completion of the investigating and other formalities, challan against the accused was presented by the then SHO.”

The prosecution examined PW-1 Head Constable Bikker Singh, PW-2 SI Tilak Singh, PW-3 Head Constable Resham Singh and PW-4 Rattan Lal.

At the close of the prosecution evidence, the accused was examined under Section 313 Cr.P.C.. He denied all the allegations of the prosecution and pleaded innocence. He further stated that nothing was recovered from him. He was residing as P.G. and was taken by Head

Constable Jai Bhagwan to the police station and was falsely arrested in the present case. He also stated that he was doing M.A. in History, from P.U. Chandigarh, at the time of his arrest.

In defence, the accuse examined DW-1 Gupreet Singh, who deposed that he along with his friends Hardeep Singh and Harvinder Singh, was in the student Centre, Panjab University and were taking tea wherein SI Tilak Raj along with some other police officials reached and enquired about Tata Safari standing outside the students Centre. They stated that Tata Safari bearing No.PB-10CH-5297 is in the name of Hardeep Singh but SI Tilak Raj insisted that other Tata Safari vehicle which was also parked outside the student centre belongs to them. They were taken to the police station and manhandled. Also case was registered against Manminder Singh under Section 107 and 151 Cr.P.C. vide DDR No.69 and he proved the certified copy of same as Ex.D1. In his cross-examination, he stated that no written complaint has been made by them regarding false implication of Manminder Singh.

Learned JMIC, Chandigarh, after appreciating the evidence, convicted and sentenced the petitioner under Sections 419 and 465 IPC as stated above and acquitted him of the charges under Sections 468, 471 and 473 IPC. An appeal was filed by the petitioner and the same was dismissed by learned Addl. Sessions Judge, Chandigarh, vide judgment dated 25.10.2016.

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

At the time of arguments, nothing has been pointed out as to

which material evidence has been misread and which material evidence has

not been considered by the Courts below. Nothing has been pointed out as to how the findings given by the Courts below are perverse or against the evidence. Learned counsel for the petitioner argued that petitioner has not used the identity card, therefore, no offence is made out. I find that the fake identity card having photograph showing the present petitioner as ASI posted in PAP duly signed and stamped, shows that a forged document has been prepared to impersonate as ASI of Punjab Armed Police.

Furthermore, the vehicle has been recovered from the present petitioner having fake number plate, which is duly proved by the PWs as well as the photographs. The defence version given by DW-1 after such a long time, cannot be believed. No representation or complaint has been made for false implication of the petitioner. There is no document to support the defence version. Anybody can come to the witness box after length of period and can depose any fact. The statement of DW-1 is not supported by any documentary evidence nor there is any explanation as to why DW-1 kept silent for such a long time and why the matter was not brought to the notice of the higher authorities if the accused was taken from house etc. and was not arrested from near student centre as per prosecution version.

I have gone through the statement of PWs. There are no material contradictions or improvements in the statements nor anything is pointed out. The PWs have consistently deposed against the accused. There is nothing on the record to disbelieve the statements of the PWs. Both the Courts have given concurrent findings regarding the guilt of the accused. The findings have been given while appreciating the evidence in right perspective.

In view of the above discussions, I find that the judgments

passed by the Courts below are correct, as per evidence and law and do not require any interference from this Court.

Therefore, finding no merit in the present revision petition, the same is dismissed.

November 29, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No