

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.788 of 2016 (O&M)
Date of Decision: May 16, 2016

Navtej Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Suveer Sheokand, Advocate
for the petitioner.

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

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Navtej Singh against respondent State of Punjab under Section 401 Cr.P.C. challenging the impugned judgment of conviction and order of sentence dated 05.04.2012 passed by learned Sub Divisional Judicial Magistrate, Jagraon, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of one and half year and to pay fine of ₹2000/- and in default of payment of fine, to undergo simple imprisonment for a period of one month under Section 420 read with Section 120-B IPC and also challenging the judgment dated 28.01.2016 passed by learned Addl. Sessions Judge, Ludhiana, vide which appeal filed by petitioner was dismissed.

At the time of preliminary hearing, learned counsel for the petitioner did not dispute the concurrent findings of the Courts below regarding conviction and only contended on the point of reduction of sentence. Notice of motion was issued only qua quantum of sentence.

Learned State counsel appeared and contested the revision petition.

From the record, I find that challan was presented against the petitioner in case FIR No.141 dated 23.05.2004 under Sections 406, 419, 420 and 120-B IPC. The brief facts of the case as noted down in the judgment passed by learned SDJM, Jagraon, are as under:-

“The brief facts as narrated in the report are that 23.05.2004 Jasbir Singh along with other police officials was present in Bus Adda Karnalpura in Govt. vehicle Alywan bearing No. Pb-10P-974 being driven by C. Lakhwinder Singh in connection with patrolling where Sarabjit Kaur daughter of Ajaib Singh, Resident of village Kamalpura, Police Station, Jagraon along with Gurcharan Singh son of Gurdip Singh, Caste Jat Sikh, Resident of village Sidliwan Khurd met the police party and she got recorded her statement to SI Jasbir Singh to the effect that,

“She is resident of village Kamalpura and is doing the house hold work. They are five sisters and have no brother and she is younger to all of them. All her four sisters are married. She want to marry the person residing at Canada. She is educated upto 10+2. she read a newspaper in daily Ajit that Preet Marriage Bureau, Sidhwan Bet are dealing with the matrimonial. After reading the said news, she along with her mother Joginder Kaur reached Sidhwari Wet where Navtej Singh son of Ajit Singh Bajigar, Resident of Sidhwan Bet and Harpreet Kaur wife of Navtej Singh met them and they came to know that they both husband and wife are managing said Marriage Bureau. She talked with them and had given her whereabouts and also gave her snap and had also given the particulars of her property. Thereafter, they had told

about two boys. Four years passed. The age of said two persons did not suit them and as such they have been rejected by her and her mother. On 6.05.2003, said Navtej Singh had come to their house along with one boy and he told his name as Jagmohan Singh Dhillon son of Surinder Singh Dhillon, resident of Kothe Baggu, Jagraon and further told that said Jagmohan Singh is residing at Canada permanently. He has divorced his first wife and now he has come for marriage purpose and he offered them for marry with her and had shown the photostat copy of his divorce to them and after reading the said divorce, they had reposed confidence that the said boy is residing at Canada and his first marriage has been dissolved by divorce. Navtej Singh further stated that he has one kothi near PSEB office Jagraon. He has also stated that he had got arranged the marriage of the brother of Jaginohan Singh Dhillon and in the said marriage, Rs.14 lacs were given by the parents of the girl and stated that you should also arrange the said amount. The boy was approved by her and her mother. Her mother Joginder Kaur and her Behnaoi Gurcharan Singh son of Gurjit Singh, Caste Jat Sikh, resident of village Sidhwan Khurd inquired about the boy by visiting Kothe Fiaggu, Jagraon. Thereafter, Navtej Singh was called in the house and Rs.10 lacs were settled for the purpose of marriage of the complainant with said Jagmohan Singh Dhillon and it was also settled that Rs.5 lacs will be given before the marriage and the remaining 5 lacs will be given after the marriage. The ring ceremony was performed on 19.05.2003 in which Navtej Singh and his wife Harpreet Kaur and Amarjit Singh and his wife Paramjit Kaur both residents of Leelan participated and said Amarjit Singh and Parainjit Kaur both residents of Leelan participated and said Amarjit Singh and Paramjit Kaur conducted the role of Mama-Mami of Jagmohan Singh Dhillon. In the ring ceremony, Rs.25,000/- were spent by them and Rs.51 lacs were given by her mother Joginder Kaur to Navtej Singh and Jagmohan Singh Kang through her behanoi Gurcharan Singh and Balbir Singh son of Pal Singh, resident of village Kamalpura and at that time. Harpreet Kaur, Amarjeet Singh and Paramjit Kaur were also present. The date of marriage was fixed as 21.05.2003 and on the said date the above said five persons and 15/20 other persons came in Barat and her marriage was performed with Jagmohan singh Dhillon in Gurdwara Sahib of village Kamalpura. Said Amarjit Singh and Paramjit Kaur conducted there role of mama-mami of Jagmohan Singh Dhillon and in all Rs.5,000/- were spent. Golden chain of three tolas, two rings and jets half-half tola were given to Jagmohan Singh Dhillon and one ear ring was given to Navtej Singh. After the marriage, her

husband taken her to Moga and they stayed there for night and in the morning they come to village Kamalpura and upto 26.05.2003, he remained at village Kamalpura with her. On 26.05.2003, after taking remaining Rs.5 lac, Jagmohan Singh Dhillon had gone by saying that he has to go out and after prepare the passport and she has got prepared the passports. Her mother had given the money after selling the land. After 26.05.2003, he has not come back and they had raised suspicion in this regard. Then Gurcharan Singh and Paramjit Singh inquired that there is no person in the name of Jagmohan Singh Dhillon and in fact he is Baljinder Singh @ Vicky son of Gian Singh, resident of Baham, Police Station, Mukastar and at that time, he is residing at 217, Ambedkar Nagar, Ludhiana and is belonging to Mason caste. He has not gone Canada and in this way, she has been cheated by Navtej Singh, Harpreet Kaur, Amarjit Singh and Paramjit Kaur by presenting Baljinder Singh as Jagmohan Singh Dhillon of Canada and prayed that action be taken against the accused persons. The statements were read over and explained to the complainant who after admitting the same to be true and correct put her signatures under the statement in English script. From the contents of the statement, the offence under Sections 419, 406, 148 and 120-B is made out against all the accused. Then SI Jagir Singh made endorsement under the statement and sent the same to the Police Station through C Surjit Singh on the basis of which the case was registered against the accused for the above said offences. All accused except Navtej Singh were arrested in this case and their grounds of arrest, intimation regarding arrest and personal search memo were prepared. The car Indica bearing No.PB-10AK 1152 was recovered from accused Baljinder Singh and the same along with documents was taken into police possession vide separate recovery memo. The passport of the complainant was also taken into police possession vide separate recovery memo. Baljinder Singh on 26.05.2014, the Album of marriage copy of sale deed of land, certificate of Anand Karaj were taken into police possession. The statements of the witnesses were recorded under Section 161 Cr.P.C. The rough site plan of the place of occurrence was prepared. On 27.05.2014, the offence under Section 148 IPC was not found and it was dropped. On 28.05.2014, accused Navtej Singh was also arrested and personal search memo were prepared. One Maruti car bearing registration No. PB-10AV-3414 was recovered from him and the same along with RC was taken into police possession vide separate recovery memo. On completion of investigation and other formalities, the challan was prepared by the SI/SHO,

Police Station, Jagraon and was presented in the Court for the purpose of the trial of offence punishable under Section 419, 420, 406 and 120-B IPC.”

Learned SDJM, Jagraon, after appreciating the evidence, convicted and sentenced the petitioner as stated above. An appeal was filed by the petitioner and the same was dismissed by learned Addl. Sessions Judge, Ludhiana, vide judgment dated 28.01.2016.

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

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

Learned counsel for the petitioner contended that petitioner is a poor person, only bread earner of the family and the petitioner is suffering from the criminal proceedings for the last more than twelve years.

Keeping in view the facts and circumstances of the present case and the fact that petitioner is first offender, poor person and only bread earner of the family and in view of the fact that the petitioner is suffering from long protracted criminal proceedings since 2004 and has already undergone imprisonment of more than seven months out of the total sentence, the sentence imposed upon the petitioner is reduced and he is directed to undergo rigorous imprisonment for a period of ten months instead of one and half years under Section 420 read with Section 120-B IPC. However, the sentence of fine and default thereof, shall remain the same.

With the above-said modification in the sentence, the

present revision petition stands dismissed.

May 16, 2016
Vgulati

(INDERJIT SINGH)
JUDGE