

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

CRR No.826 of 2016 (O&M)
Date of Decision: November 22, 2016

Kuldeep Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Subhash Godara, Legal Aid counsel
for the petitioner.

Ms.Shivali, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Kuldeep Singh against respondent State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 22.11.2011 passed by learned Sub Divisional Judicial Magistrate, Batala, vide which the petitioner was convicted and sentenced to rigorous imprisonment for a period of three years and to pay fine of ₹1000/- and in default of payment, to undergo rigorous imprisonment for a period of one month under Section 468 IPC and further to undergo rigorous imprisonment for a period of two years and to pay fine of ₹1000/- and in default of payment of fine, to undergo rigorous imprisonment for a period of one month under Sections 465, 471 and 120-B IPC each and also challenging the judgment dated 21.1.2016 passed by

learned Addl. Sessions Judge, Gurdaspur, vide which appeal filed by

petitioner was dismissed. All the sentences were ordered to run concurrently.

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 petition.

From the record, I find that the challan was presented against petitioner in case FIR No.97 dated 17.10.1997. The brief facts of the case as noted down in the judgment passed by learned SDJM, Batala, are as under:-

“2. The prosecution story in brief is that this case was registered at Police Station Vigilance Bureau, Jalandhar on the statement of Tarlok Singh, Deputy Superintendent of Police Vigilance Bureau, Gurdaspur, wherein he stated that he has come to know that Kuldip Singh son of Ram Singh, resident of Dula Nangal in connivance with Tarlok Singh and Baljit Singh, Inspectors had been appointed as Secretary in C.A.S.S. Bhuller fraudulently by producing photocopy of matriculation certificate bearing Roll No.17708 allotted in the year 1980, whereas neither said Kuldip Singh had passed any matriculation examination nor took training for the post of Secretary. He further alleged that as per gazette for the year 1980, said roll number was not allotted to any body and said Kuldip Singh, Secretary, Baljit Singh and Tarlok Singh, Inspectors C.A.S.S. Bhuller in connivance with each other by preparing forged and fabricated matriculation certificate by obtaining job as Secretary in C.A.S.S. Bhuller and thus had misused the funds of Society in the form of pay. On the statement of the complainant, instant FIR was registered against the accused. Investigation was conducted, accused were arrested, and on completion of investigation, challan against above said accused persons was presented before the Court.”

Learned SDJM, Batala, 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, Gurdaspur, vide judgment dated 21.01.2016.

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

Learned counsel for the petitioner argued that petitioner is poor person, first offender, only bread earner of the family and he is suffering from the criminal proceedings since 1997.

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

Keeping in view the facts and circumstances of the present case and in view of the fact that the petitioner is poor person, first offender, only bread earner of the family and as per custody certificate, he has already undergone actual sentence of 11 months and 9 days and in view of the fact the petitioner is suffering from long protracted criminal proceedings since 1997 i.e. for the last about 19 years, the sentence imposed upon the petitioner is reduced to the sentence already undergone by him. However, the sentence of fine and in default thereof, shall remain the same.

Resultantly, the present revision petition stands partly allowed.

Petitioner Kuldeep Singh, who is in custody, be set at liberty forthwith, if his custody is not required in connection with any other case, subject to payment of fine, as imposed by the Courts below.

November 22, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No