

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

**Criminal Revision 23 of 2005
Date of Decision: May 9, 2017**

Lal Singh	Versus	Petitioner
State of Haryana		 Respondent

Criminal Revision 194 of 2005

Shanshah Singh and another	Versus	Petitioners
State of Haryana		 Respondent

Criminal Revision 168 of 2009

Sardul Singh	Versus	Petitioner
State of Haryana		 Respondent

CORAM : HON'BLE MR. JUSTICE T.P.S.MANN

Present : Mr. S. K. Hooda, Advocate for
for the petitioner in Crl. Revision 23 of 2005.

Mr. Vaibhav Narang, Advocate
for the petitioners in Crl. Revision 194 of 2005.

Mr. M. S. Virk, Advocate
for the petitioner in Crl. Revision 168 of 2009.

Mr. Praveen Bhadu, Asstt. A. G., Haryana.

T.P.S.MANN, J. (Oral)

Lal Singh, Shanshah Singh, Gurmukh Singh and Sardul Singh were tried for committing offences punishable under Sections 468/465/471/419 read with Section 120-B IPC. Vide judgment and order dated 13/14.12.2000, learned Sub-Divisional Judicial Magistrate, Tohana, convicted them for the aforementioned offences and sentenced them as below:-

- (i) Rigorous imprisonment for one year and to pay a fine of Rs.500/- each under Section 419 read with Section 120-B IPC and in default of payment of fine, to further undergo simple imprisonment for a period of one month;
- (ii) Rigorous imprisonment for one year and to pay a fine of Rs.500/- each under Section 465 IPC read with Section 120-B IPC and in default of payment of fine, to further undergo simple imprisonment for a period of one month;
- (iii) Rigorous imprisonment for two years and to pay a fine of Rs.1,000/- each under Section 468 read with Section 120-B IPC and in default of payment of fine, to further undergo simple imprisonment for a period of two months; and

- (iv) Rigorous imprisonment for two years and to pay a fine of Rs.1,000/- each under Section 471 read with Section 120-B IPC and in default of payment of fine, to further undergo simple imprisonment for a period of two months.

All the sentences were ordered to run concurrently. The fine imposed was deposited by them there and then.

Aggrieved of their conviction and sentence, Shanshah Singh, Sardul Singh @ Dhulla and Gurmukh Singh convicts preferred one appeal whereas Lal Singh filed separate appeal. Both the appeals came up for final hearing before the learned Additional Sessions Judge, Fatehabad, who vide judgment dated 23.12.2004 upheld the impugned judgment of conviction and order of sentence. Shanshah Singh, Gurmukh Singh and Lal Singh, who were on bail were ordered to be taken into custody. Sardul Singh had, however, absconded and did not appear during the pendency of the appeal despite issuance of proclamation. Accordingly, the appeal was decided in his absence.

Still not satisfied, Lal Singh preferred the present revision whereas Shanshah Singh and Gurmukh Singh

preferred Criminal Revision 194 of 2005. The revision filed by Shanshah Singh and Gurmukh Singh was admitted on 24.1.2005 and they were ordered to be released on bail whereas revision filed by the petitioner was subsequently admitted on 4.2.2005 and he was also ordered to be released on bail.

It may be mentioned here that Sardul Singh accused, who had absconded during the pendency of his appeal, finally surrendered on 21.7.2005 and, thereafter, he preferred Criminal Revision 168 of 2009 for challenging his conviction and sentence. The said revision was admitted on 2.4.2009 and subsequently vide order dated 4.3.2014 his sentence of imprisonment was also suspended.

As the present revision filed by Lal Singh, Criminal Revision 194 of 2005 preferred by Shanshah Singh and Gurmukh Singh and Criminal Revision 168 of 2009 preferred by Sardul Singh arise out of same judgment of conviction and sentence passed by the Courts below, they are being disposed of by a common judgment.

Learned counsel for the petitioners have not challenged the impugned judgment of conviction filed by the learned Courts below. They have, however, submitted that

the petitioners are facing the agony of criminal prosecution since the year 1989. They are the sole bread winners of their respective families. They have already undergone substantial portion of their sentences of imprisonment. Lal Singh, Shanshah Singh and Gurmukh Singh are on bail since the year 2005 whereas Sardul Singh petitioner was released on bail more than three years back. There is no allegation that after being released on bail, they have misused the concession. Prayer has, accordingly, been made for setting aside their remaining sentence of imprisonment.

Learned State counsel has vehemently opposed the prayer by submitting that the petitioners after hatching a criminal conspiracy had set up Gurmukh Singh as an impostor, who on the basis of alleged power of attorney in his favour, executed a number of sale deeds. Lal Singh petitioner was one of the attesting witnesses of the sale deeds whereas Shanshah Singh and Sardul Singh were the ones, who had hatched the conspiracy.

Custody certificates have already brought on record by the learned State counsel. As per the same, Lal Singh, petitioner has undergone a period of one month and seventeen days, Shanshah Singh has undergone three

months and six days, Gurmukh Singh has undergone two months and twenty six days whereas Sardul Singh has undergone four months and seven days.

Taking into consideration the totality of the circumstances, this Court is of the view that no useful purpose will be served by sending Lal Singh, Shanshah Singh and Sardul Singh behind the bars, once again, for undergoing their remaining sentences of imprisonment. Ends of justice shall be suitably met, if their sentences of imprisonment are reduced to the one already undergone by them. At the same time, no case is made out for reducing the sentences of imprisonment of Gurmukh Singh petitioner to the one already undergone by him as he was the one who had acted as an impostor while executing the sale deeds. However, some relief can be granted to him in the matter of sentence of imprisonment.

Resultantly, the conviction of the petitioners for the offence under Section 419 read with Section 120-B IPC, Section 465 read with Section 120-B, Section 468 read with Section 120-B and Section 471 read with Section 120-B IPC, is upheld. The substantive sentences of imprisonment of Lal Singh, Shanshah Singh and Sardul Singh petitioners are

reduced to the one already undergone by them. The substantive sentences of imprisonment of Gurmukh Singh petitioner for two years for the offences under Section 468 read with Section 120-B IPC and Section 471 read with Section 120-B IPC are, however, reduced from two years to rigorous imprisonment for a period of one year. The substantive sentence of imprisonment for the offences under Section 419 read with Section 120-B IPC and Section 465 read with Section 120-B IPC are maintained. Substantive sentences of imprisonment for all the offences shall run concurrently. The sentences of fine imposed upon all the convicts alongwith their default clauses are maintained.

All the three revisions, Criminal Revisions 23 of 2005, 194 of 2005 and 168 of 2009 are, accordingly, disposed of.

May 9, 2017
amit rana

(T.P.S. MANN)
JUDGE

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No