

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

Crl. Revision 1548 of 2008
Date of Decision : March 30, 2017

Baljeet Singh

.....Petitioner

VERSUS

State of Haryana

.....Respondent

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

Present : Mr. Balraj Singh Dhull, Advocate
for the petitioner.

Mr. Ashok S. Chaudhary, Addl. A.G., Haryana.

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

The petitioner was tried for committing the offences punishable under Sections 419, 467, 468 and 471 IPC. Vide judgment and order dated 16.4.2008, learned Judicial Magistrate 1st Class, Ambala City convicted him for the aforementioned offences and sentenced him as under:-

- i) Rigorous imprisonment for one year under Section 419 IPC;
- ii) Rigorous imprisonment for one year and to pay a fine of Rs. 200/- under Section 467 IPC;
- iii) Rigorous imprisonment for one year and to pay a fine of Rs. 200/- under Section 468 IPC;
and
- iv) Rigorous imprisonment for one year under Section 471 IPC.

In default of payment of fine, he was required to undergo simple imprisonment for six months. All the sentences were ordered to run concurrently.

Aggrieved of his conviction and sentence, the petitioner filed an appeal. Vide judgment dated 11.7.2008, learned Additional Sessions Judge (Adhoc), Fast Track Court, Ambala upheld his conviction and sentence under Sections 419, 467 and 471 IPC. However, his conviction and sentence under Section 468 IPC was set-aside. The appeal was, accordingly, disposed of.

Still not satisfied, the petitioner filed the present revision in which he was granted the concession of suspension of sentence by this Court vide order dated 3.10.2008.

According to the prosecution, one Amar Singh son of Gurnam Singh had stood surety for accused Shashi Pal son of Kali Dass in case arising out of FIR No. 103 dated 21.2.1992 under Sections 457/380 IPC, Police Station Ambala Cantt. However, Shashi Pal absented from the Court and notice was issued to Amar Singh surety to appear. He put in appearance on 10.4.1996 and got recorded his statement that he never stood surety for accused Shashi Pal. His thumb impressions were taken by the Court and on being examined by the Director, Forensic Science Laboratory, Madhuban, the disputed thumb impressions on surety bonds were found different from his right

and left thumb impressions. Subsequently, it was revealed that it was the petitioner, who while affixing his thumb impressions on the documents, had stood surety while posing himself as Amar Singh son of Gurnam Singh.

After hearing learned counsel for the parties, this Court finds that it was the petitioner, who had posed himself as Amar Singh son of Gurnam Singh while executing surety bonds at the time when Shashi Pal was released on bail. Merely because Multan Singh, Photographer and the Investigating Officer had not been examined in the case is not sufficient to reject the prosecution case especially when sufficient evidence has been brought on record by the prosecution to prove its case against the petitioner for committing the offences under Sections 419, 467 and 471 IPC. Under these circumstances, no case is made out for any interference in the conviction of the petitioner for the offences under Sections 419, 467 and 471 IPC.

Coming to the question of sentence, it may be noticed that the petitioner is facing the agony of criminal prosecution for the last about twenty years. When he was heard by the learned trial Court on the quantum of sentence, he had pleaded that he was a poor person and having small children to look after. Further, he was not a previous convict. As per the custody certificate already brought on record by the learned State counsel, the petitioner has undergone total sentence of two

months and twenty six days out of the sentence of one year imposed upon him. He is not shown to be either involved or convicted in any other case.

Taking into consideration the totality of the circumstances, this Court is of the view that the petitioner, who is on bail for the last about 8½ years need not be sent behind the bars, once again, for undergoing his remaining sentence of imprisonment. Ends of justice will be suitably met, if his sentence of imprisonment is reduced to the one already undergone by him. At the same time, the fine imposed upon him for the offence under Section 467 IPC can be enhanced.

Resultantly, the conviction of the petitioner under Sections 419, 467 and 471 IPC is upheld and his sentence of imprisonment is reduced to the one already undergone by him. The fine of Rs. 200/- imposed upon him for the offence under Section 467 IPC is, however, enhanced to Rs. 5,000/-. The fine amount shall be deposited by the petitioner with the learned Chief Judicial Magistrate, Ambala within three months from today, failing which he shall undergo simple imprisonment for six months.

The revision is, accordingly, disposed of.

March 30, 2017
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(T.P.S. MANN)
JUDGE

Whether speaking/reasoned.
Whether Reportable.

: Yes/No
: Yes/No