

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

**CRR No.1382 of 2016 (O&M)
Date of Decision: April 28, 2017**

Baldev Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Ashok Kumar Sama, Advocate
for the petitioner.

Mr.V.P.S.Sidhu, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Baldev Singh against respondent State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 07.03.2014 passed by learned Sub Divisional Judicial Magistrate, Jalalabad (West), vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of ₹5000/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of fifteen days under Section 420 IPC and also challenging the judgment dated 27.11.2015 passed by learned Addl. Sessions Judge, Fazilka, vide which appeal filed by petitioner was dismissed.

From the record, I find that the challan was presented against petitioner in case FIR No.155 dated 24.10.2006. The brief facts of the case as noted down in the judgment passed by learned SDJM, Jalalabad (West),

are as under:-

“2. The factual matrix of the case as unfolded by the prosecution in police report U/s 173 Cr.P.C. is that one Balkar Singh son of Munsha Singh moved an application to the then S.S.P., Ferozepur. The said application reads as follows:

*“To
The S.S.P., Ferozepur.*

Subject: Regarding committing fraud with, and moving a false application against, the complainant by Baldev Singh son of Bahal Singh, resident of village Bahmani Wala, P.S. Sadar, Jalalabad, District Ferozepur.

Sir,

Baldev Singh son of Bahal Singh in an agreement agreed to sell his land measuring 51 kanals 08 marlas to me. The subject land is situated within the revenue estate of village Bahmani Wala and village Chak Balochan. The copy of Jamabandi shown by the subject person at the time of execution of the agreement for sale does not tally with the copy of Jamabandi produced at the time of execution and registration of the sale deed. Thus, one of the two copies of the Jamabandis is definitely forged one.

When I questioned the subject person he could not give any satisfactory reply. Instead, he entered into a compromise with me. The subject person executed one affidavit in my favour and also handed over me one cheque. Thereafter, the subject person moved an application against us, with intent to put pressure on us.

In the circumstances, it is prayed that the fraud committed with us may kindly be looked into, and justice be provided.

Sd/-

Dated:- 25.07.2006.

*Balkar Singh son of Munsha Singh,
resident of Haryana, now resident of
village Ghubaya, P.S. Sadar,*

Jalalabad,

District Ferozepur.”

Learned SDJM, Jalalabad (West), 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, Fazilka, vide judgment dated 27.11.2015.

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

At the time of arguments, learned counsel for the petitioner did not dispute the concurrent findings given by learned Courts below, regarding conviction and only contended on the point of reduction of sentence. Learned counsel for the petitioner prayed that application i.e. CRM No.7623 of 2017 may be allowed and the sentence passed in this case may be ordered to run concurrently with the sentence passed in CRR No.3845 of 2014 bearing complaint case No.32-2 of 04.01.2008 under Section 420 IPC and Section 138 of the Negotiable Instruments Act.

Vide separate of even date, CRM No.7623 of 2017 has been allowed and the sentenced imposed upon the petitioner in the present case has been ordered to run concurrently with the sentence passed in complaint case No.32-2 of 04.01.2008 under Section 420 IPC and Section 138 of the Negotiable Instruments Act.

As the petitioner is already undergoing sentence in complaint case No.32-2 of 04.01.2008 and the sentence imposed upon the petitioner in the present case has already been ordered to run concurrently with the complaint case, as stated above, therefore, the sentence of petitioner in the present case is reduced to the sentence already undergone by him. However, the sentence of fine and in default thereof, shall remain the same.

Therefore, the present revision petition stands partly allowed.

Petitioner Baldev 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, if already not paid.

April 28, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No