

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

**CRR No.3083 of 2016 (O&M)
Date of Decision: February 16, 2017**

Manjit Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.B.S.Saini, Advocate
for the petitioner.

Mr.K.S.Aulakh, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Manjit Singh against respondent State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 19.12.2014 passed by learned Chief Judicial Magistrate, SAS Nagar, vide which the petitioner along with co-accused was convicted under Sections 465, 467 and 468 IPC and sentenced to undergo rigorous imprisonment for a maximum period of five years under Section 467 IPC along with fine and also challenging the judgment dated 13.05.2016 passed by learned Addl. Sessions Judge, SAS Nagar, Mohali, 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 petitioners in case FIR No.479 dated 15.12.2008. The brief facts of the case as noted down in the judgment passed by learned CJM, SAS Nagar, are as under:-

“2. The brief facts of the prosecution version are that on 15.12.2008, SI Rajesh Kumar alongwith other police officials reached the Office of Sub Registrar, Phase 1, Mohali, on getting a message, where Jaspal Singh, Joint Sub Registrar, Mohali, met him and gave an application to the effect that he is working as Naib Tehsildar (Joint Sub Registrar), Mohali and today he was registering the documents. One person came in his office who told his name as Hari Chand Vaid son of Sh. Uday Ram, resident of House no. 1413/18, Phase 1, Mohali and he further told that he has executed a power of attorney in favour of Manjit Singh son of Gurvinder Singh, resident of House no. 1453/15, Phase 11, Mohali, which is to be registered. The said power of attorney is attested by Sh. Gurcharan Singh and Sh.O.P. Deva, Advocates as witnesses by identifying the witness Harvinder Singh son of Gurdial Singh resident of House No. 1424/3, Phase 11, Mohali and the draft of said power of attorney is prepared by Sh. Hukam Singh, Advocate. When he (Jaspal Singh Naib Tehsildar) inquired from the person producing the said power of attorney, he got perturbed and he told that his actual name is Bihari Lal son of Sh. Resham Lal and he has produced the copy of driving license and copy of the allotment letter in the name of Hari Chand Vaid, copies of which are attached. On the driving license, it seems that the photograph of Bihari Lal is affixed on the already existing photograph of someone, so he believes that the person producing the said power of attorney is impersonating and he is producing a false and forged power of attorney and has tried to commit cheating with him as well as actual owner of the property, regarding which, he is giving the power of attorney but he could not succeed. So necessary action be taken against the accused persons. The original power of attorney was handed over to SI Rajesh Kumar with other documents. Manjit Singh son of Sh. Surinder Singh succeed in running away from the spot. Ruqa was sent to the

Police Station, for registration of the FIR against the accused persons. Accused Bihari Lal was arrested at the spot. The documents were taken into police possession. Accused Bihari Lal disclosed during the investigation that he was plying a rickshaw at Ludhiana near the house of Surinder Pal. Surinder Pal and Harvinder Singh have given him allurements for some money and told him to impersonate as Hari Chand Vaid. Statement of Varinder Singh was also recorded. On 16.12.2008, the accused Surinder Pal was also arrested. In the power of attorney the address of Manjit Singh son of Sh. Surinder Singh is mentioned as House no. 1453/15, Phase 11, Mohali but in fact he is resident of House no. 1457/8, Phase 11, Mohali. Whereas one Manpreet Singh Sodhi son of Sh. Amrik Singh is resident of House no. 1453/15, Phase 11, Mohali. The allottee of House no. 1413/18, Phase 11, Mohali named Hari Chand Vaid has died on 12.07.1990 and at his place, accused Bihari Lal has impersonated as Hari Chand Vaid. Accused Manjit Singh was also arrested on 04.01.2009. Accused Harvinder Singh is main perpetrator to the agreement and he has entered into criminal conspiracy with accused Manjit Singh, Surinder Singh and Bihari Lal and has got prepared a false document i.e. power of attorney of House No. 1413/18, Phase 11, Mohali and attempted to get it registered from the Joint Sub Registrar, Mohali which is witnessed by accused Harvinder Singh and the said power of attorney is in favour of Manjit Singh. Hukam Singh, O.P. Deva and Gurcharan Singh, Advocates gave their application for innocence and during the investigation, they were found innocent. The remaining investigation was completed and on completion of investigation, the challan was presented against the accused for committing the offences under sections 419, 420, 465, 467 468, 471, 511, 120-B IPC.”

Learned CJM, SAS Nagar, after appreciating the evidence, convicted and sentenced the petitioner along with co-accused as stated above. An appeal was filed by the petitioner and the same was dismissed by learned Addl. Sessions Judge, SAS Nagar, Mohali, vide judgment dated 13.05.2016.

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

At the time of arguments, learned counsel for the petitioner did

conviction and only contended on the point of reduction of sentence. Learned counsel for the petitioner argued that petitioner is first offender, only bread earner of the family and suffering from the criminal proceedings since 2008 and he has already undergone actual sentence of 3 years and 17 days.

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 petitioner is first offender, only bread earner of the family and is facing long protracted criminal proceedings since 2008 i.e. for the last about 9 years and also in view of the fact that petitioner has already undergone actual sentence of 3 years 17 days out of the total sentence including remission of 10 months and 10 days, 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.

Therefore, the present revision petition stands partly allowed.

Petitioner, Manjit 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.

February 16, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No