

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

CRR No.1133 of 2017 (O&M)

Date of Decision: June 06, 2017

Paramjit Kaur @ Bhappo & another

....Petitioners

vs.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Gaurav Sharma, Advocate for the petitioners.

Mr. Varun Sharma, AAG, Punjab.

TEJINDER SINGH DHINDSA, J.

In terms of judgment dated 04.03.2013 and order of sentence carrying even date, the Judicial Magistrate 1st Class, Mansa, convicted the petitioners as also co-accused Jarnail Singh S/o Bhagwan Singh for offence under Section 420 of the Indian Penal Code and sentenced them to undergo rigorous imprisonment for eighteen months and to pay a fine of Rs.1,000/- each and in default of payment of fine to further undergo rigorous imprisonment for fifteen days each. Appeal having been preferred, the learned Additional Sessions Judge, Mansa vide order dated 23.11.2016, has upheld the conviction of the petitioners but has reduced the sentence to rigorous imprisonment for a period of one year instead.

It is against such backdrop that the instant revision

petition has been preferred.

Counsel at the very outset makes a statement that he would not be assailing the conviction of the petitioners on merits, but would confine the scope of the instant petition only as regards quantum of sentence.

In the light of such submission raised, it would not be necessary for this Court to dilate into the minute details of the case. Suffice it to notice that process of law was set in motion on the complaint of Paramjit Singh S/o Sukhdev Singh and Jarnail Singh S/o Bhagwan Singh. Allegations in brief are that the present petitioners had introduced the complainant party to Jarnail Singh S/o Bhagwan Singh. A sum of Rs.3,50,000/- each had been paid by the complainants to facilitate their permanent settlement in Singapore. However, the complainants were taken to Bangkok and from there, after a period of 5-6 days, were taken to Malaysia. In Malaysia, the complainants were not adjusted in any job and rather they were left in a lurch. After completion of investigation, challan was presented. Copies of the documents relied upon by the prosecution, were supplied to the accused i.e. the present petitioners as also co-accused Jarnail Singh S/o Bhagwan Singh as per mandate of Section 207 Cr.P.C. Prima facie, case having been made out, charge under Section 420 IPC was framed. Accused pleaded not guilty and claimed trial. To prove its case, prosecution examined seven prosecution witnesses. The accused party when

examined under Section 313 Cr.P.C., denied the entire incriminating evidence that was against him and claimed innocence. In defence, accused examined Harpal Singh as DW1. The trial culminated in the conviction of the present petitioners by the trial Court and order of sentence as noticed hereinabove. In appeal, the conviction of the present petitioners has been upheld. Insofar as the present two petitioners are concerned, their sentence, has been reduced to a period of twelve months rigorous imprisonment from eighteen months.

The concurrent conviction of the petitioners has been recorded upon due appreciation of evidence and by recording cogent and valid reasoning. The same as such does not call for any interference.

However, this Court finds that there are sufficient mitigating circumstances to take a lenient view as regards quantum of sentence.

It would be apposite to take note that the appellate Court has clearly noticed that the entrustment of money by the complainant party was to co-accused Jarnail Singh. It was observed that the present petitioners had played a role of having introduced the complainant party to main accused Jarnail Singh and as such, at best they may have received a certain commission money. It is on the basis of such reasoning that a view was taken by the appellate Court that the present petitioners Paramjit Kaur

and Surjit Singh cannot be sentenced for similar period of imprisonment as awarded to main accused Jarnail Singh. Accordingly, the sentence period of petitioners herein, was reduced from eighteen months rigorous imprisonment to that of twelve months.

It has also gone un-controverted that during the course of investigation, it came to be revealed that on the instance of the complainant party, a panchayat had been conveyned and wherein the main accused Jarnial Singh had agreed to return a certain sum of money.

Petitioner No.1 Paramjit Kaur is a married lady and has a family to look after. Petitioner No.2 Surjit Singh is stated to be unemployed and has a large family to look after.

As per custody certificate furnished by learned State counsel, the petitioners have undergone an actual custody period of six months and sixteen days as on 13.05.2017. In other words, as on date, both the petitioners have undergone an actual custody period in excess of seven months.

In the considered view of this Court, the ends of justice would be met if the sentence awarded to the petitioner is reduced to the period undergone.

For the reasons recorded above and in view of the mitigating circumstances noticed, the present revision petition is disposed of, by affirming the conviction of the petitioners under

Section 420 IPC but reducing the sentence imposed upon petitioner to the period already undergone.

The petitioner would be released forthwith and upon payment of fine as imposed by the trial Court, if not already paid.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

06.06.2017
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Whether speaking/reasoned : ***Yes/No***
Whether reportable : ***Yes/No***