

222 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CRR No.1186 of 2017 (O&M)
Date of decision : September 28, 2017

Harpreet Singh alias Pintu Petitioner
Versus
State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Aayush Gupta, Advocate for the petitioner.
Mr. C.L. Pawar, Sr. DAG, Punjab.

- 1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
- 2. To be referred to the Reporter or not.
- 3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Learned counsel for the petitioner presses the present revision petition only on the point of quantum of sentence.

Petitioner Harpreet Singh @ Pintu was convicted and sentenced by the learned Judicial Magistrate 1st Class, Ludhiana, vide judgment of conviction and order of sentence dated 22.04.2016, which is as under:

Sr. No.	Offence	Imprisonment	Fine	In default of payment of fine
1	120-B IPC	R.I. for six months	--	--
2	465 IPC	R.I. for 1 year	Rs.1,000/-	S.I. for 15 days
3	471 IPC	R.I. for one year	Rs.1,000/-	S.I. for 15 days
4	474 IPC	R.I. for one year	Rs.1,000/-	S.I. for 15 days

All the sentences were directed to run concurrently. The two other co-accused, namely Krishan Gopal and Abdul Hanan Rashid were also convicted. The appeal filed by the petitioner against his conviction and sentence was dismissed by the learned Addl. Sessions Judge, Ludhiana, vide judgment dated 08.03.2017.

Learned counsel for the petitioner has stated that as per custody certificate the petitioner has already undergone actual sentence of six

months and twenty three days including remission of four days. He has prayed that the petitioner is victim of circumstances. The allegations are that one Abdul Hanan Rashid, who was a Pakistani National was living in India under the fake identity. He had got one fake election commission voter card, one income tax PAN card, one driving licence, one SBI ATM card, one District Youth Congress Urban (I), Ludhiana Membership Card. He introduced Abdul Hanan Rashid as Rajveer Ranawat when he opened the account in the State Bank of India, which is stated to have been proved with the statement of Jagdish Chand, Manager of the State Bank of India.

It is stated that in view of the other documents, the petitioner has no mean that the said Rajveer Ranawat was living under the assumed identity and is a Pakistani National.

Considering the entirety of the facts and circumstances and the allegations proved against the present petitioner, I am of the view that possibility is there that the petitioner might be the victim of circumstances. Therefore, while maintaining the conviction under Section 120-B IPC, the sentence awarded to the petitioner under Sections 465, 471 and 474 IPC is hereby reduced to rigorous imprisonment for one year to rigorous imprisonment for 6 months and 23 days i.e. the period already undergone by the petitioner, whereas the sentence of fine shall remain intact.

With the abovenoted modification, the present revision petition is dismissed. Bail bonds and the surety bonds of the petitioner stand discharged.

(KULDIP SINGH)
JUDGE

September 28, 2017

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No