

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

**CRR No.2082 of 2017 (O&M)
Date of Decision: August 28, 2017**

Jaswant Singh alias Gogi

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Amardeep Singh Mann, Advocate
for the petitioner.

Mr.Gaurav Garg Dhuriwala, Sr.DAG, Punjab
for the respondent-State.

Ms.Nisha Malik, Advocate for
Mr.Shivroop Singh Dhaliwal, Advocate
for the complainant.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Jaswant Singh alias Gogi against respondent State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 08.02.2016 passed by learned Judicial Magistrate Ist Class, Mansa, vide which the petitioner along with other co-accused was convicted under Sections 120-B, 419, 420, 465, 467 and 471 IPC and sentenced to undergo rigorous imprisonment for a maximum period of two years under Section 467 IPC along with fine and also challenging the judgment dated 04.01.2017 passed by learned Addl. Sessions Judge, Mansa, vide which appeal filed by petitioner was dismissed. All the sentences were ordered to run concurrently.

From the record, I find that the challan was presented against

the petitioner and other co-accused in case FIR No.167 dated 03.09.2009.

The brief facts of the case as noted down in the judgment passed by learned JMIC, Mansa, are as under:-

“1. The above named accused have been sent up by the SHO of Police Station Bhikhi to face trial for the offence punishable under sections 419, 420, 465, 467, 468, 471, 474, 120-B of IPC, on the allegations that Amar Nath son of Kapoor Chand resident of Ward No.16, Mansa complainant moved an application to the SSP Mansa that he is aged 67 years and has never applied his thumb impressions except as ever required by any law to be mandatory and he always used to sign in English as he remember. On 12.11.1970, he had purchased 31 Bighas 14 Biswas land with khasra No.49/58/8, 4962/12/14, 4965/6/19, 2/3rd share of khasra No.4963/6/1 from Puran Singh and Ajmer Singh sons of Sher Singh son of Mohan Singh resident of Bathinda and had also purchased 12/100 share from Mangat Rai, 12/100 share from Bhim San son of Magni Mal, 24/100 share from Kulwant Rai son of Walaiti Ram, 24/100 share from Shivji Ram son of Hari Chand, 4/100 share from Vaid Parkash son of Rikhi Ram through a single sale deed. The sale deed was executed on 8.1.1971 regarding 6 Biswas from Khasra No.4958(6-1) and 12/100 share from Mangat Rai son of Tej Ram, 12/100 share from Bhim Sain son of Magni Mal and 24/100 share from Kulwant Rai son of Walaiti Ram. On 13.9.1996 complainant family, Raj Kumar and Ramesh Kumar sons of Bhim Sain and Kulwant Rai son of Walaiti Ram had given a general power of attorney regarding this land to Kashmiri Lal Singla son of Balour Chand son of Kapoor Chand resident of Mansa who is posted as ADA (Legal) SSP office, Patiala which has not been revoked till date and even on that power of attorney, he had signed in English and the said power of attorney holder also had not sold the said land and the complainant has come to know that some persons by impersonating Amar Nath complainant son of Kapoor Chand r/o Batinda now Bhaini Bagha in connivance with Mandeep Singh @ Rubi Sarpanch Bhaini Bagha, Jaswant Singh son of Gurdial Singh MC who is also known as Pareshi and Gurcharan Singh son of Bachan Singh son of Bachan Singh son of Sajjan Singh @ Charna Ex Sarpanch of village Bhaini Bagha and Nachhatter Singh son of Pritam Singh son of Bhagat Singh resident of Aklia Khurd district Bathinda after preparing a forged power of attorney dated 15.10.2008 and after preparing it from Satpal Singla Deed Writer Mansa got prepared it in favour of Gurcharan Singh and Nachhatter Singh after placing somebody and impersonating Amar Nath and has also been got registered in the office of sub registrar, Mansa. The power of attorney alleged to have been thumb

marked by him and Mandeep Singh and Jaswant Singh aforesaid have signed as a witnesses along with Gurcharan Singh and Satpal Singla deed writer had signed the deed as a scribe whereas complainant and his partners have never thumb marked any document except required by the law and that said power of attorney has been forged in order to cheat the complainant and to cause a wrongful loss. On the basis of said forged power of attorney, Gurcharan Singh and Nachhatter Singh on 12.12.2008 sold 500 sq yards of his land to Gurdeep Singh son of Amarjit Singh resident of village Mehma Swai @ Rs. 5 lac whereas exact rate of land was Rs. 2500/- per sq yard and the Gurcharan Singh and Nachhattar Singh have also signed the sale deed as sellers. The police machinery swung into action on the basis of application moved by complainant Amar Nath. During investigation, statements of the witnesses u/s 161 Cr.P.C. were recorded. The thumb impressions of complainant Amar Nath were got compared from the Fingerprints Expert and obtained his report. Revenue record was taken into police possession. Enquiry was held. Accused were arrested and after completion of the investigation challan against accused was presented in the court. ”

Learned JMIC, Mansa, 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, Mansa, vide judgment dated 04.01.2017.

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

At the time of arguments, 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. Learned counsel for the petitioner argued that petitioner is only bread earner of the family and he is suffering from the criminal proceedings since 2009. Learned counsel for the petitioner further contended that the petitioner has already undergone actual sentence of 1 year 2 months and 9 days including

remission. It is further contended that a compromise has already been

effected between the parties.

Learned counsel for the complainant has also admitted the factum of compromise.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

In view of the evidence, I find that the prosecution has duly proved its case by leading cogent evidence beyond reasonable doubt. Therefore, the judgment of conviction dated 08.02.2016 passed by learned JMIC, Mansa, is correct, as per law and does not require any interference from this Court.

However, keeping in view the facts and circumstances of the present case, compromise between the parties and in view of the fact that petitioner is stated to be only bread earner of the family and facing criminal proceedings since 2009 i.e. for the last about 8 years and also in view of the fact that petitioner has already undergone sentence of 1 year 2 months and 9 days including remission of 1 month and 30 days, the sentence imposed upon the petitioner is reduced to the sentence already undergone by him. However, sentence of fine and in default thereof, shall remain the same.

Therefore, the present revision petition stands partly allowed.

Petitioner, Jaswant Singh alias Gogi, 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.

August 28, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No