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

**CRR-3053-2017 (O&M)
Date of Decision: 17.02.2018**

Ranjit Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CRR-3722-2017 (O&M)

Baldev Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CRR-3843-2017 (O&M)

Baljit Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CRR-3997-2017 (O&M)

Dilbagh Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Ashish Aggarwal, Advocate,
for the petitioner (CRR Nos.3053 and 3997 of 2017).

Mr. D.S. Pheruman, Advocate,
for the petitioner (CRR No.3722 of 2017).

Mr. Parveen K. Kataria, Advocate,
for the petitioner (CRR No.3843 of 2017).

Ms. Rajni Gupta, Sr. DAG, Punjab,
for the respondent-State.

SUDIP AHLUWALIA J. (ORAL)

CRM-32586 & 33414-2017 in
CRR-3722 & 3843-2017

Allowed as prayed for.

CRR-3053, 3722, 3843 & 3997-2017

These four Revisional Applications are directed against the common judgment passed by the Ld. Additional Sessions Judge, Amritsar on 09.08.2017, which had been preferred on behalf of five convicts including the present petitioners against the earlier judgment of the Trial Court being Judicial Magistrate First Class, Ajnala dated 17.03.2016 vide which all the five petitioners had been convicted for the offences under Sections 120-B, 419, 468, 471 and 420 of the IPC, and were awarded rigorous imprisonment for the last four offences for a period of three years and for two years with respect to Section 120-B of the IPC apart from imposition of fines. The appeals which were preferred against the judgment of conviction were dismissed by the Ld. Additional Sessions Judge vide the impugned judgment dated 09.08.2017 except in case of one appellant, namely, Sukhdev Singh, who was found not guilty by the Appellate Court and consequently acquitted. Further, except in case of petitioner Dilbagh Singh even the offence under Section 471 of the IPC was not found to be committed by rest of the appellants/petitioner, on account of which the sentences awarded to them only for the other offences were retained.

[2]. It may be mentioned that originally as many as eight accused persons were tried out of whom two, namely, Sukhdev Singh and Major Singh died before the completion of trial, while another accused, namely, Rajinder Kumar Patwari was found guilty only for the offences under

Section 120-B of the IPC, and he did not challenge his conviction thereafter.

[3]. The substance of the allegations against the various accused persons was that the accused (1) Ranjit Singh @ Jeetu son of Balwant Singh, (2) Dilbagh Singh son of Tara Singh, resident of Bagerian, P.S. Gharinda, (3) Rajinder Kumar Patwari son of Maya Dhari, resident of Chhapar Wali Gali, Tarn Taran, (4) Sukhdev Singh @ Sukha son of Harbans Singh, resident of Balmiki Mandir street, Tarn Taran, (5) Major Singh son of Ajmer Singh, resident of Jhanjhoti, (6) Baldev Singh son of Didar Singh, resident of Jhanjhoti, (7) Sukhdev Singh son of Bachan Singh, resident of Chak Bara and (8) Baljit Singh son of Sucha Singh resident of Bagerian, had cheated upon the UCO Bank Chogawan in furtherance of their criminal conspiracy in while obtaining loan by producing forged and fabricated documents. It was alleged that the above said accused conspired with each other and produced forged and fabricated jamabandies showing themselves to be owners of that land situated at Village Brar. They also got prepared forged sale deeds from the sub Tehsil Lopoke and had also prepared forged and fabricated non-encumbrance certificates and impersonated themselves by producing forged voter cards. Accused Major Singh disclosed name of his father as Hari Singh resident of Bhullar, Baldev Singh son of Didar Singh disclosed himself to be Harjinder Singh son of Swaran Singh resident of Brar, Ranjit Singh son of Balwant Singh resident of Bagerian disclosed his name as Sukhdev Singh son of Kartar Singh resident of Brar, Sukhdev Singh son of Bachan Singh disclosed himself to be Tarlochan Singh Namberdar of Village Brar, Baljit Singh son of Sucha Singh disclosed himself to be Hardev Singh son of Kartar Singh resident of

Brar.

[4]. During the course of hearing before this Court, it has been submitted on behalf of the petitioners that at this stage they do not seek to challenge their convictions *per se* but seek reduction of the sentences considering that they had to undergo the rigours of a prolonged trial since the alleged offences imputed to them relate back to the year 2008. They had to thereafter put up with the trial for the next eight years, and till now after dismissal of their appeals, have undergone the travail for almost 10 years.

[5]. A number of decisions of the Hon'ble Apex Court as well as of this Court in support of this contention have been cited. In “**Khodidas Manjibhai Savriaya Vs. State of Gujarat**” 1994 SCC(Cri) 1410, the convict, who had been found guilty for the offence under Section 408 of the IPC which had occurred almost 3-13 years ago, was permitted by the Hon'ble Supreme Court to be released after he had undergone imprisonment for three months, in spite of his conviction having been confirmed. The same course was adopted in respect of the appellants. In “**Natvarlal Nathala Patel Vs. State of Gujarat**” 1993(1) GujLH 516, where again their convictions were upheld except in the case of original accused No.17, but the sentences awarded to them were reduced to the period already undergone considering the long pendency of the trials.

[6]. Co-ordinate Benches of this Court in “**Baldev Ram Vs. State of Punjab**”, 2015(26) R.C.R. (Criminal) 38 and “**Gurdial Singh Vs. The State of Punjab**”, 1983(1) R.C.R. (Criminal) 529, reduced the sentences awarded to the petitioners after upholding their convictions after trial period was seen to be prolonged.

[7]. In “*Sher Singh and others Vs. The State of Punjab*”, 2003(2) **AICLR 670**, this Court considering that the convicts petitioners were first offenders and had never indulged in any such activity after their conviction, while upholding the conviction set aside the sentences awarded to them and ordered their release on probation for a period of one year.

[8]. In the present case also the petitioners have gone through the trivial of trial for a decade. There is no record of any previous conviction against them nor any allegations of their having committed any offences after the original FIR was registered almost 10 years ago.

[9]. The position of the present petitioners appears to be on similar if not better, footing since from their custody certificates, it is seen that each of them excepting Baldev Singh have undergone detention in excess of six months, while petitioner Baldev Singh has also undergone imprisonment for five months and 21 days till date. Consequently, these revisional applications are disposed off with the direction that while sustaining the conviction of the petitioners, they are ordered to be released at this stage and the sentences awarded to them are reduced to the periods already undergone by them, but the Fines imposed upon must be paid, if not already done.

17.02.2018

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes

2. Whether reportable: No