

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

108

CRR-718-2018 (O&M)

Date of Decision: February 26, 2018

Jagpal Singh

.....Petitioner(s)

versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. P.S. Dhaliwal, Advocate
for the petitioner.

Sudhir Mittal, J. (Oral)

FIR No.105, dated 07.02.2008, was registered at Police Station Sadar, Hisar, under Sections 420, 467, 468, 471, 120-B IPC, against the petitioner and the others. Pursuant thereto, the accused including the petitioner were convicted under Sections 467, 468, 471, 120-B(i) IPC read with Section 114 IPC vide judgment dated 28.07.2014. By the order dated 30.07.2014, they were sentenced to RI for a period of three years and fine of Rs.1000/- under section 467 IPC, RI for two years and fine of Rs.500/- under Section 468 IPC, RI for a period of two years under Section 471 IPC and RI for two years and fine of Rs.500 under Section 120-B(i) read with Section 114 IPC. All the sentences were ordered to be run concurrently. The petitioner has paid the fine.

2. Aggrieved by the judgment and order of the learned trial Court, an appeal was filed by the petitioner separately, and the same has been dismissed by learned appellate Court, vide judgment dated 05.12.2017.

3. Learned counsel for the petitioner contends that the petitioner is an aged person (more than 80 years) and that the conspiracy by him with the co-accused has not been proved. It is his case that the person, who forged the agreement was his brother and power of attorney holder and therefore, the petitioner cannot be said to be directly involved. Since the petitioner was not directly involved, no criminal liability can be imposed upon him.

4. The submission of learned counsel cannot be accepted by me for the reason that in the civil suit filed by the complainant, the petitioner was also a party and he had specifically placed reliance upon forged agreement 23.03.2000.

5. In this fact situation, it does not lie in the mouth of the petitioner to contend that the criminal conspiracy has not been proved.

6. Learned counsel then contends that keeping in view the old age of the petitioner, some leniency may be shown and he may be released on probation as he has already undergone the actual custody of one year and eleven months.

7. This contention also cannot be accepted because the petitioner has blatantly set up a forged document as a genuine one. He thus does not deserve any leniency and he must pay for his follies.

8. There is no merit in this petition and therefore, the same is dismissed.

February 26, 2018
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[SUDHIR MITTAL]
JUDGE

**Whether speaking/reasoned :
Whether Reportable :**

**Yes/No
Yes/No**