

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.1222 of 2009

DATE OF DECISION: JULY 23, 2019

NASEEB SON OF DHAN SINGH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. ASHWANI BHARDWAJ, ADVOCATE
FOR THE PETITIONER.

MR. S.H. SAINI, AAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

The petitioner has preferred the revision petition challenging the judgement of conviction dated 27.2.2007 and order of sentence dated 28.2.2007, passed by the Chief Judicial Magistrate, Hisar and judgement dated 17.4.2009, passed by the Court of Addl. Sessions Judge, Hisar affirming the conviction and sentence awarded by the trial Court.

The prosecution arises from case FIR No.609 dated 27.11.1997 under Sections 420/467/468/471 IPC registered at Police Station Civil Line, Hisar. The petitioner was awarded R.I. for 2 years alongwith fine of ₹1000/- and in default of payment of fine, to undergo a further period of S.I. for 4 months for the offence punishable under Section 420 IPC; R.I. for 2 years alongwith fine of ₹500/- and in default of payment of fine, to undergo a further period of S.I. for 2 months for the offence punishable under Section 465 IPC; R.I. for 2 years alongwith fine of ₹1000/- and in default of payment of fine, to undergo a further period of S.I. for 4 months for the

offence punishable under Section 468 IPC; R.I. for 2 years alongwith fine of ₹500/- and in default of payment of fine, to undergo a further period of S.I. for 2 months for the offence punishable under Section 471 IPC. All the sentences were ordered to run concurrently.

The facts leading to the revision petition are that a letter from Commandant 4th Battalion HAP, Madhuban was received in the Police Station informing that Constable Naseeb Singh No.4/505 was selected by the Superintendent of Police, Hisar after character verification and medical examination. His papers were sent to Commandant 3rd Battalion, HAP, Hisar for allotment of regimental number and was allotted the aforesaid number. Thereafter, on 16.9.2017, it was intimated by the Superintendent of Police, Hisar that a complaint against Constable Naseeb has been received, wherein it has been alleged that the matriculation certificate submitted by Naseeb Singh at the time of recruitment was bogus. It was further intimated that on enquiry through Haryana School Education Board, Bhiwani, it has been intimated that the said matriculation certificate bearing S.No.009942 and Roll No.543088 was bogus. On the basis of the aforesaid information, the FIR in the present case was registered against the petitioner.

The investigation was carried out. The accused was arrested and after completion of all the formalities, challan was presented before the Court and the accused was charge-sheeted for the offences under Section 420/467/468/471 IPC, to which he pleaded not guilty and claimed trial.

The prosecution examined as many as 7 witnesses in support of its case.

All the incriminating evidence was put to the accused. The accused in his statement under Section 313 Cr.P.C. denied the same and pleaded innocence.

The trial Court after examining the evidence adduced by the prosecution vide its judgement of conviction dated 27.2.2007 and order of sentence dated 28.2.2007 held the accused guilty of the offences under Section 420/465/468/471 IPC and sentenced him as stated above.

An appeal was preferred by the petitioner against the aforesaid judgement of conviction and order of sentence, which was dismissed.

Hence the present revision petition.

Learned counsel for the petitioner submits that he does not press the challenge to the conviction part in the impugned judgement and restricts his prayer with regard to quantum of sentence alone. Learned counsel submits that the incident pertains to the year 1997 and for the last approximately 22 years the petitioner is facing agony of protracted trial and appeal. He submits that the petitioner has a family comprising of wife, and three daughters to look after. According to him, the petitioner is the only bread winner of the family and daughters are to be married, therefore, a lenient view may be taken while sentencing the accused.

Learned counsel for the State, however, opposed by the prayer made by the counsel for the petitioner on the ground that the petitioner obtained job in disciplined force by forging his Matriculation Certificate and committed cheating.

After hearing the submissions made by learned counsel for the

petitioner and the State counsel, this Court is of the opinion that keeping in view the time elapsed and the family circumstances, ends of justice would be met if the sentence of the petitioner is reduced to 1 year R.I. instead of 2 years.

Resultantly, the judgement of conviction passed by the trial Court and upheld by the appellate Court is affirmed, however, the sentence of 2 years R.I. awarded to the petitioner under various Sections of Indian Penal Code is reduced to R.I. for 1 year and shall run concurrently.

The petitioner is on bail. His bail bonds stand cancelled. He be taken into custody to serve the remaining period of his sentence.

With the above modification in reduction of sentence, the appeal is disposed off.

July 23, 2019
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No