

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 1348-2011(O&M)
Date of decision: 18.10.2019

Amarjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Ms. Ruchi Sekhri, Advocate for the petitioner

Mr. S.P.S.Tinna, Addl. AG, Punjab

ANIL KSHETARPAL, J.

Desperate dream of settling overseas has landed the petitioner in Court. This is in short the entire case.

Petitioner is in revision against judgment of conviction and order of sentence. Petitioner has been convicted and sentenced as under:-

Sentence under Section 466	The appellant was sentenced to undergo RI for a period of 3 years and to pay a fine of Rs.2,000/- and in case of default of payment of fine, the accused will have to further undergo Rigorous Imprisonment for six months.
Sentence under Section 468	The appellant was sentenced to undergo RI for a period of 3 years and to pay a fine of Rs.2,000/- and in case of default of payment of fine, the accused will have to further undergo Rigorous Imprisonment for six months.
Sentence under Section 471	The appellant was sentenced to undergo RI for a period of 2 years and to pay a fine of Rs.1,000/- and in case of default of payment of fine, the accused will have to further undergo Rigorous Imprisonment for three months.
Sentence under Section 419/511	The appellant was sentenced to undergo RI for a period of 1 year and to pay a fine of Rs.1,000/- and in case of default of payment of fine, the accused will have to further undergo Rigorous Imprisonment for three months.
Sentence under Section 420/511	The appellant was sentenced to undergo RI for a period of 2 years and to pay a fine of Rs.2,000/- and in case of

	default of payment of fine, the accused will have to further undergo Rigorous Imprisonment for three months.
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Petitioner-Amarjit Singh in order to achieve his dream of settling overseas went to Decar (Senegal) but was deported and an amount of Rs. 45,997/- spent on his deportation is recoverable. However, on being misguided, petitioner applied for a fresh passport under the fake identity by impersonating himself as Satnam Singh. However, the then Passport Officer suspected the identity of the applicant and hence called him for interaction in his office. Petitioner-Amarjit Singh impersonating as Satnam Singh appeared alongwith a forged copy of ration card alledgedly issued in the name of Satnam Singh to establish his identity. However, on questioning of the Passport Officer, the petitioner produced driving licence from his purse issued in the name of Amarjit Singh-petitioner. On interrogation, he admitted that he had applied passport in the wrong name- Satnam Singh.

Prosecution in order to prove its case examined Kashmir Singh UDC, Passport Office, Jalandhar as PW 1, Harbhajan Singh, Member Panchayat as PW 2, Sh. I.N.Chadha, Passport Officer as PW 3, Sh. Manjit Singh, Inspector as PW 4, (from the office of Food & Supplies Department), Charanjit Singh, Assistant Sub Inspector as PW 5, Inderjit Kaur (who did not support the case of the prosecution) as PW 6, Kulwant Kaur, Clerk, Office of District Transport Officer as PW7. Balbir Singh, Gunman attached to Sh. I.N.Chadha, the Passport Officer who was at that time present in the room of the Passport Officer as PW 8 and Harjinder Singh, Inspector as PW 9.

Incriminating evidence led by the prosecution was put to the

petitioner under Section 313 Cr.P.C. Petitioner claimed trial.

On appreciation of evidence both the Courts noticed above have found concurrently that the prosecution has successfully brought home the guilt of the accused.

This Court has heard learned counsel appearing for the petitioner as well as counsel representing State of Punjab. Learned counsel for the petitioner has contended that the link evidence is missing. She further submitted that Sh.I.N.Chadha has not established the identity of the petitioner as Satnam Singh. Hence, she submitted that the prosecution has failed to prove its case beyond shadow of reasonable doubt.

On the other hand, learned counsel for the State has submitted, while drawing attention of the Court to the statement of PW 4 Manjit Singh, Inspector from the Food & Supplies Department that it has been established that the original ration card was issued in the name of Satnam Singh and no duplicate copy thereof was issued. He further contended that it is proved that petitioner has forged and fabricated a duplicate ration card to prove that he is Satnam Singh. He has further submitted that the original file from the Passport office was brought by the Clerk in evidence and it has been proved that petitioner-Amarjit Singh was previously issued a different passport on which he had travelled to Decar and was deported back. Second application filed by petitioner pretending himself as Satnam Singh was also brought and proved on the record of the Court.

This Court has considered the submissions and find unable to agree with the contentions of the learned counsel for the petitioner. In the present case, prosecution has led sufficient evidence which proves the guilt of the petitioner beyond shadow of reasonable doubt. Kamlesh Singh, UDC

in the Passport Office has appeared and brought summoned record – passport file No. 402/49298/96 of Satnam Singh and passport file No.10/3400/94 of Amarjit Singh-petitioner. PW2 Harbhajan Singh has also supported the case of the prosecution. Sh. I.N.Chadha who had appeared as PW 3 has recounted the entire incident which was recorded in the complaint forwarded to the Senior Superintendent of Police. His statement was corroborated by PW 8 Constable Balbir Singh who was posted as a Gunman with him at the relevant time. Still further officials from the office of District Passport Office has been examined to prove the driving licence recovered from the petitioner and it is proved that it is issued in the name of Amarjit Singh-petitioner.

Keeping in view the aforesaid overwhelming evidence, prosecution has been successful in interlinking all the events in the chain. Hence, it cannot be said that link evidence is missing.

As regards, second argument, it would be noted that no doubt Sh.I.N.Chadha has not stated that petitioner present in Court is the person who appeared before him. However, on the reading of the entire statement of Sh.I.N.Chadha it is proved beyond doubt that petitioner is the person who was caught in the Passport office impersonating as Satnam Singh. Still further a reading of the statement of PW8 Balbir Singh, Constable who was posted as a Gunman, it is established beyond doubt that the petitioner is the person who had impersonated as Satnam Singh.

Learned counsel for the petitioner, however, has come up with a prayer that the sentence awarded be reduced as the petitioner has already faced protracted trial for a period of 22 years as the FIR in question was

registered on 4.3.1997.

Keeping in view the aforesaid facts and after noticing that the petitioner is not involved in any other criminal case, it is considered appropriate to reduce the substantive sentence under Section 466 and 468 IPC to a period of two years in place of 3 years as awarded by the Courts below while maintaining the fine. Sentences awarded under other provisions are maintained. All the sentences awarded shall run concurrently.

With the aforesaid modifications, revision petition stands disposed of.

18.10. 2019

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No