

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Revision No.2603 of 2010

Date of Decision: January 24, 2019

Tarlok Singh & others

..... PETITIONERS

VERSUS

State of Punjab

..... RESPONDENT

. . .

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

. . .

PRESENT: Mr. Anmol Partap Singh Mann, Advocate, for the
petitioner.

Mr. H.S. Sullar, Deputy Advocate General, Punjab.

. . .

Harnaresh Singh Gill, J

Prayer in this petition is for setting aside judgment dated 25.08.2010 passed by the Additional Sessions Judge, Sangrur, whereby appeal filed by the petitioners – accused challenging judgment of conviction and order of sentence dated 15.12.2014 passed by the Additional Chief Judicial Magistrate, Sangrur, has been dismissed and conviction & sentence of the petitioners – accused affirmed.

Vide judgment dated 15.12.2014 passed by the trial court, petitioners – accused have been convicted under Sections 120-B, 467, 468, 471 IPC in FIR No.166 dated 14.11.1998, registered at Police

Station, Bhawanigarh, District Sangrur, and have been sentenced as under :-

Offence	Rigorous Imprisonment	Fine	RI in default of making payment of fine
467 IPC	Four years	Rs. 2,000/- each	Two months
468 IPC	Four years	Rs. 2,000/- each	Two months
471 IPC	Four years	Rs. 2,000/- each	Two months
120-B IPC	Six months	Rs. 1,000/- each	One month

Brief facts giving rise to the present petition are that the present case was registered on the complaint of Harnek Singh to the effect that he was owner in possession of 32 bighas 16 biswas of land situated in village Rampura, District Sangrur. Petitioners – accused, by forging documents, effected an agreement of sale dated 15.05.1998 by using an impersonator to act as Harnek Singh, regarding 37 bighas 16 biswas of land in their favour and received a sum of Rs. 10 lac as earnest money. Besides, on the basis of the aforesaid agreement of sale, accused also obtained an exparte injunction against Harnek Singh from the civil court. On coming to know about the aforesaid facts, complainant engaged a Finger Prints Expert, Mr. Atul Kumar Singla, who gave his report that the alleged agreement dated 15.05.1998 did not bear the thumb impressions of complainant. Accordingly, complainant brought the matter to the notice of Senior Superintendent of Police, Sangrur. The matter was enquired into and an FIR was lodged against Ajit Singh, Nirbhey Singh, Tarlok Singh and

Pushpinder Singh. However, Nirbhey Singh died and proceedings against him were abated.

Challan was presented in the court of competent jurisdiction and copies of documents as required under Section 207 Cr.P.C. were supplied to the accused free of costs.

Finding a prima facie case against the accused, they were chargesheeted under Sections 120-B, 467, 468, 471 IPC, to which they pleaded not guilty and claimed trial.

In order to substantiate its case, prosecution examined as many as 12 witnesses.

Statements of accused were recorded under Section 313 Cr.P.C. and incriminating circumstances appearing in the prosecution evidence were put, to which, they pleaded innocence and false implication.

After hearing learned counsel for the parties and appreciating the oral as well as documentary evidence, accused were convicted and sentenced, as detailed above, vide judgment/order dated 15.12.2004 passed by the trial court. Petitioners – accused preferred an appeal against the said their conviction and sentence, which was also dismissed by the appellate court vide judgment dated 25.08.2010.

Aggrieved against the judgments passed by the courts below, petitioners –accused have filed the present petition.

Heard learned counsel for the parties and perused the record but this court does not find any scope for interference so far as the conviction of the petitioners under Sections 467, 468, 471 and 120-

B IPC is concerned. Accordingly, conviction of the petitioners is affirmed/upheld.

As far as the quantum of sentence imposed upon the petitioners is concerned, this Court finds some mitigating circumstances. The petitioners are the first offender. They are the sole bread winners of their families. They are not the previous convicts. They are facing the agony of protracted trial since 1998. Otherwise also, petitioner Nos.1 and 3 have remained behind the bars for more than one year out of total awarded sentence of four years, while petitioner No.2, Tarlok Singh has remained behind the bars for more than 3 months. Thus, this Court is of the considered view that a chance be given to the petitioners to improve their life and in the given circumstances, sentence imposed by the trial court to the extent of rigorous imprisonment for four years being on higher side and an exorbitant one.

This Court in cases of **Swaran Singh and others Versus State of Punjab** reported as **2001 (1) CurLJ (CCR)574** and in the case titled as **Des Raj versus State of Haryana** reported as **2017(3) RCR (Criminal) 298** and by further relying on the decisions of co-ordinate Benches i.e. **Maya Bai and others versus State of Punjab** reported as **2006(1) RCR (Criminal) 687**, **Dharamvir and others versus State of Haryana**, reported as **2011(2) Law Herald 1134**, **Charan Singh versus State of Punjab** reported as **2016 (Criminal Law Journal) 1148**, **Jaspal Singh @ Jassa @ Tota and another versus State of Punjab**, reported as **2015(7) RCR (Criminal) 652**

and Hon'ble Supreme Court in **Munilal Mochi vs. State of Bihar, 2011(3) RCR (Criminal) 702** have drawn the conclusion to reduce the sentences awarded to the extent actually undergone by them.

This Court is, thus, of the considered view that ends of justice would meet, in case, sentence of the petitioners is reduced to the period already undergone by them but with no change in the fine clause.

Ordered accordingly.

The criminal revision petition is dismissed with modification as observed above.

January 24, 2019
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(Harnaresh Singh Gill)
Judge

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No