

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

377

**CRR-1502-2014 (O&M)  
Date of decision :03.04.2019**

Ram Bilas

... Petitioner

Versus

State of Haryana

...Respondent

**CORAM:HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Mr. Vikas P.Singh, Advocate for the petitioner.

Mr. S.S.Pannu, DAG, Haryana.

**HARNARESH SINGH GILL, J.**

The present petition has been filed against the judgment dated 28.09.2013 passed by the learned Additional Sessions Judge, Jind, vide which the appeal filed by the petitioner against the judgment of conviction and order of sentence dated 18/22.03.2011 passed by the learned Chief Judicial Magistrate Jind, whereby the petitioner was sentenced to undergo rigorous imprisonment for seven years and to pay a fine of ₹1,000/- and, in default of payment of fine, to further undergo rigorous imprisonment for one month, in case FIR No. 548 dated 10.08.2010 under Section 387 read with Section 34 of IPC, registered at Police Station City Jind, was partly allowed and the sentence imposed upon the petitioner had been reduced to five years without any change in the amount of fine.

Brief facts of the present case are that complainant-Kul Bhushan made a complaint dated 08.08.2010 that his brother, namely, Vinod Jain was murdered on 23.03.2009 by his servant, namely, Satish @ Kala and servant of the neighbourhood shop, namely, Sunil son of Shuli and one Ram Bilas @ Situ. They were arrested and later on convicted. Complainant-Kul Bhushan received an envelope on 07.08.2010 demanding a ransom of ₹10 lacs to be sent to Ambala Jail. The ransom letter was signed by Situ and one Ranbir. On the basis of the said complaint, DDR No. 25 was recorded and after verification thereof, the present FIR was registered under Section 387 read with Section 34 of IPC. During investigation, the petitioner along with one Ranbir was arrested. The handwriting sample of the petitioner was obtained by the Investigating Agency and later on, Vijay, another accused had also joined the investigation on the basis of the disclosure statement. The report of the handwriting sample from Forensic Science Laboratory, Madhuban, was received.

After taking into consideration the prosecution evidence, especially the evidence of Kul Bhushan Jain (complainant) who appeared as PW-1. The said witness had proved the complaint on record as Ex.PW1/A and identified the accused persons, who were present in the court. The report of the Forensic Science Laboratory was also exhibited as Ex.P-2. Vide judgment dated 18.03.2011, the trial Court gave benefit of doubt to accused Ranbir whereas, petitioner-Ram Bilas @ Situ was convicted and sentenced to undergo rigorous imprisonment for seven years and to pay a fine of ₹1,000/-.

While convicting the petitioner, the learned trial Court had also taken into consideration that the petitioner was undergoing life

imprisonment in a murder case for writing a ransom letter to the complainant therein (brother of the person who was allegedly murdered by him). So, no leniency was shown while convicting the petitioner.

Against the judgment dated 18.03.2011, the petitioner had preferred an appeal which came up for hearing before Additional District Judge. Vide judgment dated 28.09.2013, Additional District Judge, reduced the sentence imposed upon the petitioner to that of 5 years. Still aggrieved, the present revision petition has been filed.

Learned counsel for the petitioner has submitted that though the petitioner is serving life imprisonment, yet the Courts below have failed to appreciate that the petitioner had been falsely implicated in the present case on the statement of PW1-Kul Bhushan. Moreover, the FIR dated 10.08.2010 had been registered after a gap of 3 days as the alleged letter was received on 07.08.2010. It has been further argued by the counsel for the petitioner that in order to constitute the offence under Section 387 IPC, there ought to be some visible act to put any person in a fear of death or of grievous hurt, in order to commit extortion. Learned counsel has further stated that the petitioner had been behind the bars and was unable to do any such overact with regard to the extortion and that too by saying that ransom be given at Ambala Jail. As per the counsel for the petitioner the story concocted by the prosecution is beyond common comprehension. As far as, the report of Forensic Science Laboratory Ex.P-2 is concerned, it would not be *per-se* admissible under Section 293 Cr.P.C unless the witness who is maker/writer of the report is examined/summoned in the Court.

Per contra, the learned State counsel has argued that the prosecution had proved the writing of ransom letter Ex.Q1 with the help of

complainant- Kul Bhushan Jain, who appeared as PW-1 and had also proved that the handwriting of Ex.Q1 matched with the sample handwriting of Ranbir @ Situ. It has been further argued by the learned State counsel that the prosecution had also been able to prove the guilt of the petitioner on the basis of the statement of PW1-Kulwant Singh including the disclosure statement of accused-Situ and accused Ranbir. Such disclosure statement had been proved by one Kamal Singh, who stepped into the witness box as PW-3.

I have heard the arguments raised by the learned counsel for the petitioner and the learned State counsel and I have perused the record of the case with their able assistance.

It is clear that the petitioner is undergoing life imprisonment in a murder case which relates to an incident of the year 2009. As per the custody certificate placed on record, the petitioner is facing trial in four different cases which were registered at Police Station Civil Lines, Bhiwani, Police Station City, Gohana, Sonipat and two cases at Police Station Tilak Nagar, Delhi. The petitioner stands convicted in 3 cases i.e. on 03.11.2009, 21.08.2012 and 11.03.2010, whereas, he was acquitted in six cases. Even otherwise, the prosecution has been able to prove the case against the petitioner. Thus, there remains no scope for interference with the findings recorded by the Courts below.

At this stage, it may be noticed that the petitioner has already undergone the entire sentence in the instant case. Thus, on having undergone the entire sentence, the petitioner shall be released from the jail and his bail/surety bonds shall stand discharged.

In view of the above, the present revision petition has been rendered infructuous and is disposed of as such.

03.04.2019  
pooja saini

(HARNARESH SINGH GILL)  
JUDGE

*Whether speaking/reasoned?* *Yes/No*

*Whether reportable?* *Yes/No*