

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

Date of Decision: 16.01.2020

CRR-9845-2018 (O&M)

Najar Singh

... Petitioner

v/s

State of Haryana

... Respondent

CRR-270-2019 (O&M)

Bur Singh

... Petitioner

v/s

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ajay Kamboj, Advocate
 for the petitioner in CRR-9845-2018.

 Mr. Johan Kumar, Advocate
 for the petitioner in CRR-270-2019.

 Mr. Parveen Aggarwal, DAG Haryana.

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VIVEK PURI, J. (ORAL)

During the course of hearing it has been stated by both the sides that matter may be finally disposed of in terms of order dated 27.2.2019 passed in CRR-9845-2018. Notice of motion was issued qua propriety of sentence only.

Briefly both the revisionists along with five other accused faced

trial in the Court of Chief Judicial Magistrate, Fatehabad with regard to the offences under Section 120-B, 419/120-B, 420/120-B, 467/120B, 468/120B, 471/120-B of IPC.

Petitioners along with the co-accused were convicted vide judgment dated 27.10.2014 and sentenced vide order dated 28.10.2014. The petitioners-revisionists were sentenced in terms of order dated 28.10.2014 as follows:

Name of convict	Under Sections					
	120-B of IPC	419/120-B of IPC	420/120-B of IPC	467/120B of IPC	468/120 B of IPC	471/120-B of IPC
Bur Singh	Rigorous imprisonment for a period of two years and to pay a fine of ₹2,000/-. In case of default in payment of fine, convict shall undergo rigorous imprisonment for a period of one month, in addition.	Rigorous imprisonment for a period of two years.	Rigorous imprisonment for a period of two years and to pay a fine of ₹ 2,000/-. In case of default in payment of fine, convict shall undergo rigorous imprisonment for a period of one month, in addition.	Rigorous imprisonment for a period of five years and to pay a fine of ₹ 5,000/-. In case of default in payment of fine, the convict shall undergo rigorous imprisonment for a period of two months, in addition.	Rigorous imprisonment for a period of five years and to pay a fine of ₹ 5,000/-. In case of default in payment of fine, convict shall undergo rigorous imprisonment for a period of two months, in addition.	Rigorous imprisonment for a period of five years and to pay a fine of ₹ 5,000/-. In case of default in payment of fine, convict shall undergo rigorous imprisonment for a period of two months, in addition.
Najar Singh	Rigorous imprisonment for a period of two years and to pay a fine of ₹2,000/-. In case of default in payment of fine, convict shall	Rigorous imprisonment for a period of two years.	Rigorous imprisonment for a period of two years and to pay a fine of ₹ 2,000/-. In case of default in payment of fine, convict shall	Rigorous imprisonment for a period of five years and to pay a fine of ₹ 5,000/-. In case of default in payment of fine, the convict shall	Rigorous imprisonment for a period of five years and to pay a fine of ₹ 5,000/-. In case of default in payment of fine, convict shall	Rigorous imprisonment for a period of five years and to pay a fine of ₹ 5,000/-. In case of default in payment of fine, convict shall

	undergo rigorous imprisonm ent for a period of one month, in addition.		undergo rigorous imprisonm ent for a period of one month, in addition.	undergo rigorous imprisonm ent for a period of two months, in addition.	undergo rigorous imprisonm ent for a period of two months, in addition.	undergo rigorous imprisonm ent for a period of two months, in addition.
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The other accused namely Sahab Ram, Ashok Kumar, Raj Kumar, Banarsi Devi and Pala Ram were also convicted and sentenced.

Aggrieved by the aforesaid judgment, the petitioners had filed separate appeals before the learned Addl. Sessions Judge, Fatehabad. The same were disposed of by a common judgment dated 21.11.2018. The conviction with regard to the offences under Sections 467, 468, 471 read with Section 120-B IPC was maintained. However, the sentence of imprisonment was reduced to two years. It has also been brought to my notice that the FIR qua other accused has already been quashed by this Court.

Precisely, the allegations as putforth in the FIR are with regard to the execution of the sale deed by Bur Singh-petitioner (in CRR-270-2019) by way of impersonation and Najar Singh-petitioner (in CRR-9845-2018) being Lambardar had identified him at the time of execution of the sale deeds.

I have gone through the judgments of the Courts below and same have been perused and the finding of conviction has been recorded on the basis of satisfactory, reliable evidence produced on record and do not call for any interference.

Learned counsel for the petitioner(s) have very fairly conceded that they do not challenge the findings of the Courts below on merits and

they are only seeking leniency in the matter of sentence. The custody certificates dated 11.1.2020 which were placed on record on 14.1.2020 indicates that Bur Singh-petitioner has undergone actual imprisonment of 1 year, 9 months and 22 days. It has also been stated that after availing the period of remission he has undergone the sentence imposed upon him. The custody certificate pertaining to Najar Singh indicates that he has undergone actual imprisonment of 1 year, 4 months and 23 days and after adding the period of remission, his total sentence undergone is to the extent of 1 year, 9 months and 12 days.

The petitioners are stated to be aged exceeding 70 years. The persusal of the judgment of the Lower Appellate Court also indicates that land has again been mutated in the name of the complainant and he has not suffered any financial loss. As such, sufficient mitigating circumstances are made out to extend leniency in the matter of sentence.

Accordingly, orders are modified to the extent that petitioners are sentenced to the period of imprisonment already undergone by them. They be released forthwith, if not required in any other case.

16.01.2020

Janki

**(VIVEK PURI)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No