

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(104)

CRR No. 2996 of 2019 (O&M)
Date of Decision : 22.09.2021

Bir Jatinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. J.S. Mahal, Advocate for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.
(keeping in view advance copy given)

Harsimran Singh Sethi J. (Oral)

The present revision petition has been filed against the judgment dated 22.11.2016 passed by Judicial Magistrate Ist Class, Gurdaspur, whereby the petitioner was convicted under Section 420 IPC and is sentenced to undergo rigorous imprisonment for a period of 3 years along with fine of Rs. 2,000/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of 30 days as well as judgment dated 06.09.2019 passed by learned Additional Sessions Judge, Gurdaspur, whereby appeal filed by the petitioner against judgment dated 22.11.2016, has been dismissed.

Learned counsel for the petitioner at the outset submits that the petitioner is not challenging his conviction but prays that keeping in view

the facts and circumstances of this case, the sentence imposed upon the petitioner may kindly be reduced as the same is excessive keeping in view the allegations alleged and proved against him.

Learned State counsel, on the other hand, while producing custody certificate of the petitioner, submits that petitioner is not entitled for any leniency in the sentence awarded as the petitioner is a habitual offender as he is already convicted in another case under Section 138 of the Negotiable Instruments Act and is facing trial in another case being FIR No. 25 dated 12.05.2019, registered under Section 308 IPC at Police Station Kalanaur.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The allegations in the present case are serious as land belonging to the Gram Panchayat has been mortgaged for a sum of Rs. 6,50,000/- by the petitioner by forging the documents to show his ownership over the said land. This shows the bent of mind of the petitioner. Further, learned counsel for the petitioner has not been able to rebut the fact that petitioner already stands convicted in another case relating to the violation of the Negotiable Instruments Act, 1881 and he is under trial in another case being FIR No. 25 dated 12.05.2019, registered under Section 308 IPC at Police Station Kalanaur. This shows that the antecedents of the petitioner are not such, which deserve leniency in any manner from this Court.

As learned counsel for the petitioner has not addressed the arguments on the merits of the case, the prayer of the petitioner for reducing the sentence awarded to him, cannot be accepted in view of the facts and

circumstances stated hereinbefore.

Keeping in view the above, no interference is called for by this Court in this revision petition with regard to the judgment dated 22.11.2016 passed by Judicial Magistrate Ist Class, Gurdaspur as well as judgment passed by the learned Additional Sessions Judge, Gurdaspur, dated 06.09.2019.

Dismissed.

Keeping in view the fact that the main revision petition has been dismissed, no order is required to be passed in CRM No. 35096 of 2019 seeking suspension of sentence of the petitioner.

September 22, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No