

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

Criminal Revision No.318 of 2021(O&M)
Date of Decision: April 19, 2022

Har minder Singh ...Petitioner

Versus

State of Punjab ...Respondent

2. Criminal Revision No.533 of 2021(O&M)
Date of Decision: April 19, 2022

Harbhajan Singh @ Bhajji ...Petitioner

Versus

State of Punjab ...Respondent

3. Criminal Revision No.1020 of 2020(O&M)
Date of Decision: April 19, 2022

Jujhar Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.R.S.Bains, Senior Advocate assisted by
Mr.M.S.Chauhan, Advocate for
the petitioner in CRR-318-2021.

Mr.Bhupinder Ghai, Advocate for
the petitioner in CRR-533-2021.

Mr.H.S.Dhindsa, Advocate for
the petitioner in CRR-1020-2020.

Mr.R.S.Khaira, DAG, Punjab.
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HARINDER SINGH SIDHU, J.

This judgment shall dispose of following Three Criminal Revision petitions:

Case No.	Petitioner/accused
CRR-318-2021	Har minder Singh
CRR-533-2021	Harbhajan Singh @ Bhajji
CRR-1020-2020	Jujhar Singh

All the aforesaid cases have arisen out of FIR No.146 dated 29.12.2008 under Sections 420/ 465/467/468/471/120-B IPC, Police Station City Hoshiarpur.

Brief facts of the case are that a complaint was received by the Police that some customers had committed fraud in the Main Branch of Co-operative Bank, Hoshiarpur. The FIR was registered on the statement of Gurdev Kaur, who stated that she had been working as Manager in the aforesaid Bank. Few persons had opened new accounts in the Bank and they were issued separate cheque books against their said accounts. It was alleged that the said customers used to present the cheques of outer District Banks in the name of above said accounts and after completing all the formalities of the bank, they obtained drafts from the Banks. The drafts were deposited in other banks and money withdrawn. On inquiry, it was revealed that the said drafts of different banks presented by the customers were never issued by the said banks. Ultimately, the complainant closed the

said accounts. In this way, the bank was cheated for an amount of about Rs.2 Crores by preparing bogus drafts.

During investigation, the Police filed different challans. Petitioners Harminder Singh, Harbhajan Singh, Jujhar Singh along with co-accused Sandeep Kumar and Paramjeet Singh were tried by the Ld. Chief Judicial Magistrate, Rupnagar in Challan No.RT-102 dated 05.03.2010/12.04.2012. Vide judgment of conviction and order of sentence dated 26.10.2018, all the aforesaid five persons were convicted and sentenced as under:-

<i>Name of accused</i>	<i>Under Section</i>	<i>Sentence</i>
Harminder Singh, Paramjit Singh, Harbhajan Singh @ Bhajji and Jujhar Singh	120-B IPC	To undergo RI for TWO YEARS and to pay fine of Rs.10,000/-. In default of payment of fine, they shall further undergo RI for three months.
	420 IPC	To undergo RI for FIVE YEARS and to pay fine of Rs.15,000/-. In default of payment of fine, they shall further undergo RI for four months.
	465 IPC	To undergo RI for TWO YEARS and to pay fine of Rs.10,000/-. In default of payment of fine, they shall further undergo RI for three months.
	467 IPC	To undergo RI for SIX YEARS and to pay fine of Rs.15,000/-. In default of payment of fine, they shall further undergo RI for four months.
	468 IPC	To undergo RI for FIVE YEARS and to pay fine of Rs.10,000/-. In default of payment of fine, they shall further undergo RI for three months.
	471 IPC	To undergo RI for TWO YEARS and to pay fine of Rs.10,000/-. In default of payment of fine, they shall further undergo RI for three months.
Sandeep Kumar	120-B IPC	To undergo RI for TWO YEARS and to pay fine of Rs.10,000/-. In default of payment of fine, he shall further undergo RI for three months.
	465 IPC	To undergo RI for TWO YEARS and to pay fine of Rs.10,000/-. In default of payment of fine, he shall

<i>Name of accused</i>	<i>Under Section</i>	<i>Sentence</i>
		further undergo RI for three months.

Separate appeals were filed by the accused – petitioners against the aforesaid judgment. All the appeals were dismissed by the Ld. Additional Sessions Judge, Rupnagar vide common judgment dated 17.02.2020. The judgment and order of the Trial Court were upheld and affirmed. Hence, the present revision petitions.

Mr.R.S.Bains, Ld. Senior Advocate assisted by Mr.Bhupinder Ghai, Mr.H.S.Dhindsa, Ld. counsel for the accused – petitioners, without contesting the concurrent findings of the Courts below regarding the guilt of the petitioners, have prayed for taking a lenient view considering that the petitioners are never involved in any other case except the present FIR. They are the sole bread earners of their families. There is none else to look after their families.

The maximum sentence of imprisonment awarded to the petitioners is Six Years. As per the latest custody certificates placed on record by the Ld. State Counsel, as on 19.04.2022, the petitioners have undergone the sentence as under :

Name of Petitioner	Period of sentence already undergone
Harminder Singh	04 Years 11 Months 18 Days
Harbhajan Singh @ Bhajji	03 Years 07 Months 19 Days
Jujhar Singh	03 Years 07 Months 02 Days

On consideration of the totality of the facts and circumstances of this case and also bearing in mind the custody undergone by the petitioners, all three Revision Petitions are partly allowed to the extent that the conviction of the petitioners (**Harminder Singh, Harbhajan Singh @ Bhajji and Jujhar Singh**) is maintained but their sentence of imprisonment is reduced to the period already undergone by them. However, there is no alteration in the sentence of fine as awarded by the Court below.

The petitioners, if not required in any other case, be released forthwith.

Disposed of accordingly.

April 19, 2022

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No