

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRR No.1306 of 2009  
Date of decision: 15<sup>th</sup> May, 2023

Jaggar Singh & another  
... Petitioners

Versus

State of Punjab  
... Respondent

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Balwinder S. Sudan, Advocate  
Amicus Curiae for the petitioners.  
  
Mr. Amit Rana, Sr. Deputy Advocate General, Punjab  
for the respondent/State.

MANJARI NEHRU KAUL, J.

The petitioners, by way of instant revision petition, have challenged the order dated 19.03.2009 passed by learned Additional Sessions Judge, Mansa whereby the appeal preferred by them to impugn the judgment of conviction and order of sentence dated 02.12.2004 passed by learned Chief Judicial Magistrate, Mansa, was dismissed.

Vide judgment dated 02.12.2004, learned Chief Judicial Magistrate, Mansa convicted and sentenced the petitioners as under:

| Name of accused | Sentence        | Fine<br>(in ₹) | In default of<br>payment of fine |
|-----------------|-----------------|----------------|----------------------------------|
| u/s 420 IPC     |                 |                |                                  |
| Bhola Singh     | RI for 1½ years | 1000/-         | RI for 15 days                   |
| Jaggar Singh    | RI for 1 year   | 1000/-         | RI for 15 days                   |
| u/s 465 IPC     |                 |                |                                  |
| Bhola Singh     | RI for 6 months | 500/-          | RI for 7 days                    |

|                      |                  |        |                |
|----------------------|------------------|--------|----------------|
| Jaggar Singh         | RI for 3 months  | 250/-  | RI for 7 days  |
| <b>u/s 467 IPC</b>   |                  |        |                |
| Bhola Singh          | RI for 3 years   | 2000/- | RI for 1 month |
| Jaggar Singh         | RI for 2 years   | 1000/- | RI for 15 days |
| <b>u/s 468 IPC</b>   |                  |        |                |
| Bhola Singh          | RI for 1 ½ years | 1000/- | RI for 15 days |
| Jaggar Singh         | RI for 1 year    | 1000/- | RI for 15 days |
| <b>u/s 471 IPC</b>   |                  |        |                |
| Bhola Singh          | RI for 6 months  | 500/-  | RI for 7 days  |
| Jaggar Singh         | RI for 3 months  | 250/-  | RI for 7 days  |
| <b>u/s 120-B IPC</b> |                  |        |                |
| Bhola Singh          | RI for 3 months  | 200/-  | RI for 5 days  |
| Jaggar Singh         | RI for 3 months  | 200/-  | RI for 5 days  |

All the sentenced were ordered to run concurrently.

The case, as set up by the prosecution, may be noticed as under:

FIR No.70 dated 30.06.1999 under Sections 420, 465, 467, 471 IPC was registered at Police Station City Mansa on the complaint moved by Ran Singh. It was alleged therein that accused Bhola Singh, who belonged to Jheor caste, applied for issuance of Scheduled Caste certificate by falsely stating that he belonged to the Mazbi Sikh caste, which had been declared as Scheduled Caste by the State Government. The application was verified by Jaggar Singh Sarpanch and on the basis of the same, a Scheduled Caste certificate was issued by the Tehsildar, Mansa. However, later on it came to light that Bhola Singh in connivance with Jaggar Singh Sarpanch, had availed the benefit of ₹5,100/- on the basis of a forged Scheduled Caste certificate.

Learned counsel for the petitioners has fairly submitted that in view of the concurrent findings of fact recorded by both the Courts

below, he would not press the instant revision petition on merits and would instead restrict his prayer qua the quantum of sentence only. Learned counsel has urged that the occurrence in question pertained to the year 1999 and the petitioners had thus, suffered the agony of protracted criminal proceedings for the last more than 24 years. Learned counsel urged that the petitioners had been leading a disciplined life and had not been involved in any other criminal case in last 24 years. Learned counsel, therefore prayed that in the aforesaid facts and circumstances, a lenient view be taken and the quantum of sentence awarded to the petitioners by the learned trial Court be reduced to the period already undergone, as no useful purpose would be served by sending them behind bars at this stage, more so when in the last 24 years they had been fastened with many other responsibilities.

Learned State counsel, however, has opposed the submissions and prayer made by the counsel opposite and prayed for dismissal of the instant petition.

I have heard learned counsel for the parties and perused the relevant material on record.

This Court does not find any illegality much less perversity in the impugned judgment. However, in the given facts that the crime in question was committed way back in the year 1999 and ever since then the petitioners have been maintaining good conduct and have not been involved in any other criminal case, this Court does not deem it

appropriate to send them behind bars at this juncture of life, more so when they have admittedly been now fastened with many liabilities.

As per the custody certificate, which has been filed today in the Court, the petitioners are not shown to be involved in any other criminal case. The ends of justice would therefore, be met if while maintaining conviction of the petitioners namely Bhola Singh and Jaggar Singh, their substantive sentence of 3 years and 2 years respectively under Sections 420/465/467/468/471/120-B IPC is reduced to the period already undergone by them in the present case.

The petition stands disposed off in the above terms.

However, fine imposed on the petitioners namely Bhola Singh and Jaggar Singh is enhanced from ₹ 2000/- to ₹ 4,000/- and from ₹ 1000/- to ₹ 2000/-, respectively, under Section 467 IPC. It is made clear that in case of non-deposit of fine with the trial/successor Court within a period of two months from the date of this order, benefit of reduction of sentence shall not accrue to the petitioners and they will be required to undergo the remaining part of the sentence awarded to them.

**(MANJARI NEHRU KAUL)**  
**JUDGE**

**May 15, 2023**

*rps*

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No