

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Revision No. 2956 of 2022 (O&M)

Date of Decision: February 14, 2023

Parveen Kumar

.....Petitioner

versus

State of Punjab

.....Responden

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present:- Mr. Rohit Mahajan, Advocate
for the petitioner

Sudhir Mittal, J.

One Jagtar Singh son of Gulzar Singh filed a complaint against the accused persons whereupon, FIR No. 81 dated 30.05.2013 was registered at Police Station Sadar, Patiala under Sections 406, 420, 120-B IPC. Vide judgment of conviction dated 20.10.2018, the accused were held guilty of offence under Section 420 IPC alongwith 120-B IPC and were sentenced to undergo simple imprisonment for a period of two years and to pay fine of Rs. 1000/- in default of which to further undergo simple imprisonment for one week under Section 420 IPC and were sentenced to undergo simple imprisonment for six months and to pay fine of Rs. 500/- in default of which to further undergo simple imprisonment for one week on account of conviction under Section 120-B IPC. Appeal against the judgment of conviction has been dismissed and, thus, the present revision petition has been filed.

According to the FIR, the complainant was a Masters degree holder in religious study from Punjabi University, Patiala and was working on his thesis to complete his Ph.D. course. He came in contact with co-accused Ashok Kumar

who introduced him to the petitioner—Parveen Kumar. Said Parveen Kumar was working as a travel agent. The complainant was interested in going to England and Parveen Kumar demanded Rs. 15 lacs for the said purpose. Deal was finally struck for Rs. 10 lacs. A total of Rs. 8 lac was paid at various points in time. At the first instance, he was sent to Thailand where he was kept for 21 days and was sent back. Subsequently, Parveen Kumar gave in writing that he will pay back the entire amount or will send him to England and, thus, some more money was paid. Again the complainant was sent to Thailand where more money was demanded. The excess money having not been paid, the complainant was tortured and finally he managed to escape and reached India.

A perusal of the judgment of the trial Court shows that payment of money has been proved by the statements of the complainant appearing as PW-1, his sister Nirlep Kaur appearing as PW-2 and his brother Harjot Singh appearing as PW-3. PW-2 and PW-3 have also proved sale of property for raising money. Factum of travel to Thailand was proved by Visa of Thailand and immigration stamps on the passport, the dates whereof coincided with the dates mentioned in the oral deposition. The writing executed by Parveen Kumar was proved on record as Ex. P3. The opinion of the handwriting expert produced by the defence has been rejected by comparing the signatures with those existing in other Court documents. These findings have been upheld by the appellate Court.

The sole argument raised by learned counsel for the petitioner is that there is no proof on record regarding the petitioner having been introduced to the complainant by Ashok Kumar. Enquiry report mentioning this fact was not proved on record as the Enquiry Officer did not appear to prove the same. This report is Ex. PW6/Y. Since there is no proof of involvement of the petitioner, his conviction is not sustainable in law.

Enquiry report Ex. PW6/Y was proved by ASI Avtar Singh who

deposed as PW-6. It was not essential for the Enquiry Officer to appear personally to prove the same. The enquiry was conducted after receipt of complaint from the complainant and is part of the official police record. Any police official was competent to prove the same and, thus, the argument based on non-appearance of the enquiry officer deserves to be rejected. Moreover, the factum of the petitioner having been introduced to the complainant by Ashok Kumar is also proved by the complainant as well as his siblings. No argument has been raised to discredit their testimony in this regard. Accordingly, the submission made by learned counsel for the petitioner is misconceived and deserves to be rejected.

No other point has been argued. The revision petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

February 14, 2023

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No