

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

253

CRR-524-2021
Reserved on : 16.10.2023
Pronounced on : 05.01.2024

Vijay Kumar Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Ishan Gupta, Advocate for
Mr. Aman Dhir, Advocate
for the petitioner.

Mr. Amit Shukla, Asst. A.G., Punjab.

PANKAJ JAIN, J.

1. Petitioner is convicted in FIR No.93 dated 08.08.2016, registered for offences punishable under Sections 193, 200 and 420 of IPC at Police Station Sadar, Sri Muktsar Sahib and has been sentenced to undergo as under:-

Section (IPC)	Rigorous Imprisonment	Fine (in Rs.)	In default of payment of fine (rigorous imprisonment)
420	2 years	1,000/-	15 days
200	2 years	1,000/-	15 days
190	2 years	1,000/-	15 days

2. As per prosecution, on 08.08.2016, an order dated 06.08.2016 passed by Special Court, Sri Muktsar Sahib was received at Police Station Sadar, whereby it was recorded that the present petitioner Vijay Kumar has been filing successive bail applications by mis-stating

the facts in his affidavit supporting bail applications that no earlier pre-bail plea has been filed. Trial Court convicted the petitioner holding him guilty for offences punishable under Sections 420, 200 and 193 of IPC.

3. In appeal preferred by the petitioner, conviction as well as sentence awarded by the Court below stands affirmed. As per custody certificate produced by learned State counsel dated 14.10.2023, the petitioner has undergone actual custody of 05 months and 08 days and has remained on parole for 01 year, 02 months and 21 days, i.e. total custody is 01 year, 07 months and 29 days.

4. Counsel for the petitioner submits that registration of FIR against the petitioner for offences punishable under Sections 420, 200 and 193 of IPC was totally contrary to the provision of Section 340 of the Code. He submits that the alleged offences since were committed during the course of judicial proceedings and the allegation against the petitioner is with respect to filing of false affidavit tendered during the proceedings, the petitioner could not have been booked for offence punishable under Section 420 of IPC. Offences punishable under Section 193 and 200 are non cognizable and Section 420 was wrongly added to give the colour to the whole case to be one of a cognizable one.

5. Having heard counsel for the parties and after going through the records of the case, this Court does not find that at this stage the petitioner can be allowed to raise the plea with respect to a cognizable offence having been added artificially.

6. The petitioner has been found guilty of submitting false affidavits to file successive bail pleas and thus is guilty of offences punishable under Sections 193 and 202 of IPC.

7. In view of above, in the considered opinion of this Court, offence punishable under Section 420 IPC cannot sustain. Resultantly, the petitioner is acquitted of offence punishable under Section 420 of IPC. However, his conviction vis-a-vis offences punishable under Sections 193 and 200 of IPC is maintained keeping in view that he has undergone custody of 01 year, 07 months and 29 days. Sentence of the petitioner is reduced to already undergone.
8. Disposed off, accordingly.

(PANKAJ JAIN)
JUDGE

05.01.2024
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No