

2024:PHHC:127642



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

111 (02 cases)

1. CRR-613-2008 (O&M)

Balbir Singh	...	Petitioner
Versus		
State of Punjab	...	Respondent

2. CRR-677-2008 (O&M)

Prem Dass	...	Petitioner
Versus		
State of Punjab	...	Respondent

Date of decision: 25.09.2024

CORAM:- HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Prabhjot Singh, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. This common order shall dispose of aforementioned two revision petitions, which have been filed against the judgment of conviction and order on quantum of sentence, both dated 08.08.2006, passed by the Court of learned Judicial Magistrate First Class, Ropar in criminal case arising out of the FIR No. 244 dated 03.12.2005, registered under Sections 419, 420, 467, 468, 471 and 120-B of IPC at Police Station Sadar Ropar,

whereby the petitioners had been held guilty for commission of offences punishable under Sections 420, 467, 468, 471 read with Section 120-B of IPC and had been sentenced to undergo rigorous imprisonment for maximum period of 03 years with default clause of fine; as well as against the judgment dated 11.01.2008, whereby the appeals of the petitioners had been partly allowed by the Court of learned Additional Sessions Judge, Ropar and they had been acquitted of charges framed against them under Sections 420 read with Section 120-B of IPC, whereas their conviction under Sections 467, 468 and 471 of IPC was upheld.

2. At the very outset, learned State counsel has informed this Court that convict/co-accused Mehar Singh has died and proceedings against him stand abated.

3. The petitioners were booked for commission of aforementioned offences on the allegations that one Umesh Paswan, who was facing trial under FIR No. 485 dated 27.12.2002, under Sections 363, 366 and 376 of IPC, registered at Police Station Mohali, was ordered to be released on bail by this Court, subject to his furnishing bonds to the satisfaction of the Chief Judicial Magistrate, Ropar. On receipt of the said order, the learned Chief Judicial Magistrate, Ropar had directed him to be enlarged on bail on furnishing personal bond to the tune of Rs. 2 Lakhs with one surety in the like amount. Petitioner Balbir Singh appeared as a surety before the concerned Court and furnished surety bonds. Copy of *jamabandi* for the year 2004-05 was also attached with the bonds and petitioner Balbir Singh claimed himself to be the owner of the land mentioned therein. The said *jamabandi*, showing Balbir Singh to be the owner of the land, was sent for verification before the concerned revenue authorities and then it was revealed that the same was forged and fabricated document, prepared in

connivance with the petitioners and co-accused to secure release of above named Umesh Paswan. The matter was reported to the police by the concerned Magistrate and then the aforementioned FIR was registered.

4. The petitioners along with co-accused were chargesheeted for commission of offences punishable under Sections 419, 420, 467, 468, 471 and 120-B of IPC on finding a *prima facie* case against them. On conclusion of trial and after appreciating the evidence produced on record, the trial Court had held the petitioners guilty for commission of offences punishable under Sections 420, 467, 468, 471 read with Section 120-B of IPC and sentenced them as mentioned above. The petitioners had preferred their respective appeals before the learned lower appellate Court, which were partly allowed, as mentioned above.

5. Today, learned counsel for the petitioners has made a statement so as to not to press the relief claimed in the present revision against the judgment of conviction, passed by the trial Court, as well as the judgment passed by the lower appellate Court. Learned counsel confines his prayer against the order of sentence only. It is further submitted that petitioners are not the previous convicts nor any other case is pending against them and thus looking into these circumstances, the period of sentence already undergone by them be treated as the period of sentence as awarded to them.

6. Learned State Counsel has no serious objection to the aforesaid prayer. He has filed custody certificates, as per which, petitioner Balbir Singh has already undergone actual sentence of 04 months and 23 days, whereas petitioner Prem Dass has undergone actual sentence of 10 months and 06 days out of total sentence of 03 years, as awarded to them by the trial Court.

7. After hearing the counsel for the parties, I uphold the judgments

passed by the Courts below as the same are based on appreciation of prosecution evidence, proving guilt of the petitioners, however, considering the fact that the petitioners have faced agony of protracted trial and they have already undergone aforementioned actual sentences and are not involved in any other case, which shows that they have improved their character and have joined the mainstream of the society, the order on quantum of sentence dated 08.08.2006 is modified and the same is reduced to the period already undergone by them. However, it is clarified that there would be no change in the fine as imposed upon the petitioners and they would be liable to deposit the same with the trial Court within a period of one month, if not deposited so far and if not so, then the trial Magistrate can issued warrant for committing the petitioners to custody for default sentence.

8. The revision petitions stand disposed of. The personal/surety bonds of the petitioners be discharged accordingly. Let a copy of this order be sent to the Court concerned for information and compliance.

9. A photocopy of this order be placed on the file of the connected case.

25.09.2024

Waseem Ansari

(MANISHA BATRA)

JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>