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

CRR-2380-2023

Decided on: 14.05.2024

Jaswinder Kaur @ Jassi Shoorvir @ Rimpi and another Petitioner

versus

State of Punjab

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent: Mr. Balbir Kumar Saini, Advocate
for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

Manjari Nehru Kaul, J. (Oral)

The petitioners are challenging the judgment dated 25.09.2023 passed by Addl. Sessions Judge, Ferozepur whereby the appeal preferred by them against the judgment of conviction and order of sentence dated 29.09.2018 passed by JMIC, Zira vide which petitioners were convicted and sentenced to undergo rigorous imprisonment for a period of three years along with fine of Rs.10,000/- under Section 420 IPC, was partly allowed.

2. The prosecution case as set up may be noticed as thus: on 07.01.2015, SHO, Police Station Makhu received an application regarding the missing of petitioner No.1 Jaswinder Kaur @ Jassi Shoorvir @ Rimpi through Daljit Singh, Inderjit Singh and Narinderjit Singh. On 30.06.2015 when the police party was patrolling near Bus Stand Makhu, Investigating Officer received a secret information that petitioners No.1 and 2, who were permanent resident of Canada and got insured from the Insurance



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Companies of America and Canada for Rs.7,20,00,000/-, came to India in November 2014. The petitioners along with Inderjit Singh, Narinderjit Singh, Daljit Singh and others, in order to grab the said insured money, gave a false report to the police regarding the missing of petitioner No.1. The dead body recovered by Police Station Sanghriya, Rajasthan was also falsely identified as dead body of petitioner No.1 - Jaswinder Kaur @ Jassi Shoorvir @ Rimpi by the aforesaid persons. Upon inquiry, the Investigating Officer found the said information reliable and therefore, a ruqa was sent to the concerned police station. During investigation, raid was conducted in the house of accused-petitioner No.1 where she was found alive, which led to the arrest of the petitioners. In support of its case, prosecution examined as many as 9 witnesses including the complainant Raj Singh.

3. During trial, when the accused were examined under Section 313 Cr.PC, they denied all the allegations and incriminating evidence appearing against them and claimed that they were innocent and falsely implicated in the case in hand.

4. Based on the evidence presented and other material on record, the trial Court convicted the petitioners under Sections 420, 120-B and 182 IPC vide judgment dated 29.09.2018. The appeal preferred to impugn the aforesaid judgment was partly allowed by the Appellate Court vide judgment dated 25.09.2023, leading to the filing of present petition.

5. Learned counsel for the petitioners has, at the outset, fairly admitted that due to the findings of fact recorded by both trial Court as well as Appellate Court for the offences under Sections 420 and 120-B



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IPC, he would not press the present petition on merits. Instead, learned counsel seeks to limit the prayer to the quantum of sentence only. Learned counsel has urged that the incident in question relates back to the year 2015 and the petitioners have faced the prolonged criminal proceedings for nearly 10 years. Furthermore, petitioners are leading a disciplined and law-abiding life since then and have not been involved in any other criminal case.

In the light of above circumstances, a prayer has been made by learned counsel for a lenient view be taken, advocating for the reduction in quantum of sentence awarded by the trial Court to the period already undergone. It is argued that sending the petitioners behind bars would serve no useful purpose.

6. Learned State counsel has however, opposed the submissions and prayer made by the counsel opposite in view of the findings recorded against them by both the Courts below. It has, however, not been disputed that the petitioners have been maintaining good conduct, and have not been involved in any other criminal case. Learned State counsel has also filed the custody certificate of petitioner No.1, which is taken on record; custody certificate also does not reflect the involvement of petitioner No.1 in any other criminal case.

7. Heard learned counsel for the parties and perused the relevant material available on record.

8. In view of the fact that the petitioners have not been involved in any other criminal case and have rather indeed been leading a



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disciplined and law-abiding life, this Court does not deem it appropriate to send them behind bars.

9. Ends of justice would be thus, met if while maintaining the conviction of the petitioners their substantive sentence of three years is reduced to the period already undergone by them in the present case. However, the fine imposed on the petitioners is enhanced from Rs.10,000/- to Rs.35,000/- each under Section 420 IPC. The enhanced amount of fine i.e. Rs.25,000/- each totalling Rs.50,000/- shall be deposited by the petitioners with the Director, PGI Poor Patient Welfare Fund and the receipt of the same shall be produced before the trial Court/successor Court. It is made clear that in case of non-deposit of fine 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.

10. With this modification, the present petition stands disposed of.

14.05.2024
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/non-speaking?	Yes/No
Whether reportable?	Yes/No