

2025-PHHC-01/0935



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRR-1477-2008(O&M)

Date of Decision:-26.05.2025

Dheeraj Jain.

.....Petitioner.

Vs.

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Rajiv Joshi, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, Assistant Advocate General,
Punjab.

Mr. Arav Gupta, Advocate (Amicus Curiae)
for respondent nos.2 & 3.

JASJIT SINGH BEDI, J.

The present revision petition has been filed for setting aside the the judgment dated 11.03.2008 passed by the Judicial Magistrate Ist Class, Jalandhar to the extent that it acquits the accused/respondent no.2-Renu Bala and for enhancement of sentence imposed upon the accused/respondent no.3.

2. The FIR in the present case came to be registered on 04.08.2004. The judgment dated 11.03.2008 was passed by the Judicial Magistrate Ist Class, Jalandhar acquitting the accused/respondent no.2-Renu Bala and convicting the accused/respondent no.3-Raj Kumar Arora. The instant revision petition was filed on 05.06.2008 and has come up for final hearing now i.e. after a period of more than 20 years from the date of registration of the FIR.

3. The brief facts of the prosecution case are that on 04.08.2004

Dheeraj Jain-complainant/petitioner gave one application to the DSP-II, Jalandhar against Raj Kumar Arora the alleged proprietor/authorized signatory of M/s Mayfair International Company Smt. Renu Bala wife of Raj Kumar Arora and the secretary of Raj Kumar Arora both residents of 53, Court Road, Amritsar for registration of a case for cheating, intimidation, forging of documents and criminal breach of trust. It was mentioned in the application that the complainant M/s Decent Merchants Pvt. Ltd., E.F-306, Krishan Nagar, Mandi Road, Jalandhar entered into 'Clearing and Forwarding Agent Agreement' with the accused on 25.04.2004 at Nimbel Restaurant Model Town, Jalandhar. The accused came in a white coloured Maruti Van having a Maharashtra registration number. The accused claimed to be the proprietors of M/s Mayfair's International Company and under a bonafide belief the complainant entered into an agreement with them on 25.04.2004 for acting as clearing and forwarding agent in Punjab for the complainant's firm. The accused were bound to pay the rent of the godown, vehicles, computer and salaries of staff and other expenses in terms of agreement dated 25.04.2004. The accused did not start work in terms of agreement. However, the complainant invested a heavy amount for the business of approximately Rs.13,50,000/-. The accused did not start the work in terms of agreement, thereby cheating and defrauding the complainant by receiving Rs.13,50,000/- along with other expenses. When the complainant demanded the above said amount from the accused they laid threats of life to him. The life and property of the complainant was stated to be in danger. ASI-Lakhbir Singh conducted the investigation. On 04.08.2004 accused-Renu Bala was arrested. On 26.08.2004 accused-Raj Kumar Arora was released on bail as per orders of the Addl. Sessions Judge, Jalandhar and was joined in the investigation. Statements of witnesses were recorded.

After completion of the investigation, the accused were challaned to face trial under section 420/120-B of IPC.

4. Finding a prima-facie case, charge under section 420/120-B of IPC was framed against the accused to which they pleaded not guilty and claimed trial.

5. In order to bring home the guilt of the accused, the prosecution examined PW-1 Dheeraj Jain, PW-2 Vikrant, PW-3-ASI Lakhbir Singh, PW-3 Mohinder Pal Clerk (number repeated), PW4- Parveen Kumar and thereafter closed the prosecution evidence.

6. On the closure of the evidence of the prosecution the statements of the accused were recorded under Section 313 Cr.P.C. in which all the incriminating circumstances appearing in the evidence adduced by the prosecution were put to the accused. They denied the same and pleaded false implication. They opted to lead defence but closed the same without producing any evidence.

7. Based on the evidence led, while accused/respondent no.2-Renu Bala wife of Raj Kumar Arora was acquitted, accused/respondent no.2-Raj Kumar Arora son of Sh. Arjan Dass was convicted and sentenced by the court of Judicial Magistrate Ist Class, Jalandhar vide judgment and order of sentence dated 11.03.2008 as under:-

Offence under Section	Sentence	Fine	RI/SI in default of payment of fine
Section 420 IPC	RI for 02 Years	Rs.5000/-	RI for 02 Months

8. The present revision petition has been filed by the complainant impugning the aforementioned judgment whereby accused/respondent no.2-Renu Bala has been acquitted and seeking enhancement of sentence imposed upon accused/respondent no.3-Raj Kumar Arora.

9. The Counsel for the complainant/petitioner contends that the

Trial Court erred in acquitting accused/respondent no.2 of the charges under Section 420 IPC read with Section 120-B IPC. The evidence of PW-1 and PW-2 with regard to impersonation has not been considered in its proper perspective. The respondent no.2 has played an active role along with her husband accused/respondent no.3- Raj Kumar Arora to carry out deceit in order to part with an amount of Rs.13,50,000/-. He further contends that Raj Kumar Arora on his appeal being dismissed never surrendered and is absconding ever since then. He thus prays that the impugned judgment may be partly set aside with regard to the acquittal of accused/respondent no.2 who may be sentenced in accordance with law and to suitably enhance the sentence of accused/respondent no.3.

10. The Counsel for the State has supported the case of the complainant and admits that Raj Kumar Arora is absconding since 10.12.2013 when his appeal against his conviction was dismissed by the court of Additional Sessions Judge, Jalandhar.

11. I have heard counsel for the parties.

12. A perusal of the record would reveal that the prosecution has failed to prove the presence and participation of accused/respondent no.2 Renu Bala in the commission of the offence. The allegations against her are vague. She is neither the signatory nor the witness of the agreement Ex.PA. There is no evidence that she received any amount. Therefore, I find no reason to differ with the conclusion arrived at by the Trial Court.

13. As regards enhancement of sentence imposed upon Raj Kumar Arora, it may be pertinent to mention here that the occurrence is of the year 2004 and the present revision has come up for hearing now after more than 20 years. Therefore, I find no reason to enhance the sentence imposed upon him.

15. In view of the above, the present revision petition stands dismissed.

16. However, it may be pertinent to mention here that accused/respondent no.3-Raj Kumar Arora was convicted vide judgment dated 11.03.2008. He preferred an appeal bearing no.7/13 arising out of Case No.29665/13 dated 27.03.2008. The said appeal was decided vide detailed judgment dated 10.12.2013 whereby the appellate Court of Additional Sessions Judge, Jalandhar upholding the judgment of the Trial Court observed as under:-

“ Finding no reason to have a different view, from that one gathered by the learned lower court, after appreciating the evidence, the appeal is dismissed. Consequently, the findings of the learned trial court are hereby affirmed. Since the appellant has not been appearing in the court and remained absent without any exemption or reason, copy of judgment in appeal be sent to the learned Chief Judicial Magistrate, with the direction to procure the presence of appellant Raj Kumar and send him to jail for the execution of the sentence imposed upon him as per law. All the sentences shall run concurrently as ordered by the learned trial court. Fine already paid before the learned trial Court.”

17. As the respondent no.3 failed to appear before the lower Appellate Court directions were issued to the Chief Judicial Magistrate, Jalandhar to procure his presence to ensure execution of sentence imposed upon him. However, he remained untraceable. When this matter came up for hearing before this Court, a Status report dated 22.05.2025 was filed by Ms. Roopdeep Kaur, PPS, Assistant Commissioner of Police, Model Town, Jalandhar as per which vide order dated 22.05.2025 re-arrest warrants have been issued against the convict-Raj Kumar Arora in case FIR No.185 dated 04.08.2024 under Sections 420/120-B IPC P.S. Division No.6, Jalandhar

titled as State Vs. Raj Kumar Arora & Anr. The SHO P.S. Division No.6, Jalandhar has been directed to depute an officer not below the rank of Assistant Sub Inspector to effect the arrest of the convict-Raj Kumar Arora and to produce him before the court of Chief Judicial Magistrate, Jalandhar on or before 31.05.2025.

18. In view of the above, the Commissioner of Police, Jalandhar is directed to ensure that respondent no.3 Raj Kumar Arora is arrested and produced before the concerned court to serve out his remaining sentence. The Registry of this Court be informed accordingly regarding his arrest.

(JASJIT SINGH BEDI)
JUDGE

May 26, 2025
Vinay

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No