

2025:PHHC:004121



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

CRR-1633-2008(O&M)

Date of Decision:-14.01.2025

Jangir Singh & Anr.

.....Petitioners.

Vs.

State of Punjab.

.....Respondent.

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

Present:- Mr. H.S. Bath, Advocate for the Petitioners.

Mr. Harkanwar Jeet Singh, AAG Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The present revision petition has been filed impugning the judgment dated 19.08.2008 passed by Sessions Judge, Mansa whereby the appeal filed against the judgment of conviction and order of sentence dated 04.04.2006 passed by Sub Divisional Judicial Magistrate, Sardulgarh, District Mansa has been dismissed.

2. The FIR in the present case came to be registered on 19.10.1997. The judgment of conviction was passed on 04.04.2006 by the Sub Divisional Judicial Magistrate, Sardulgarh. The Appeal filed against the order of conviction was dismissed on 19.08.2008 by the Sessions Judge, Mansa. The instant revision petition was filed on 27.08.2008 and has come up for final hearing now i.e. after a period of 27 years from the date of

registration of the FIR.

3. The brief facts of the prosecution case are that Nazar Singh son of Gurcharan Singh resident of Jagatgarh Bander lodged a report to S.H.O. Police Station, Jaurkian that Fauja Singh son of Mal Singh, Chhinda Singh son of Jangir Singh, Jangir Singh son of Partap Singh residents of village Mahiwal, District Ferozepur deceived him on the pretext of sending him abroad by demanding Rs.75,000/- from his father on 02.07.1996 in the presence of Mukand Singh. He (complainant) was sent to Thailand. Accused Chhinda Singh son of Jangir Singh also accompanied him to Thailand. They handed over him (complainant) to some persons and there they were detained in a room for one week. Thereafter, he (complainant) was sent to Malaysia in a group of five persons. They reached near the border of Thailand, where the accused persons beat him and snatched away five U.S.A. currency notes from him. Even on reaching Malaysia he had to spend his days in a Gurudwara. One Inko resident of Natheha met him and made arrangement for him and other persons and they returned to India. They came back to India on 27.03.1997. Accused also deceived Fauja Singh son of Mal Singh to the tune of Rs.85,000/- on the pretext of getting a job for him in a foreign country. Aforesaid accused also sent Fauja Singh to Thailand. There he was detained in a boat. His parents made arrangement for bringing him back to India. He arrived in India on 19.10.1997.

On this complaint the case under Section 420 of the Indian Penal Code was registered. Accused were arrested. Documents were recovered from accused. After completion of other formalities of investigation, challan against accused Jangir Singh, Balwinder Singh alias Chhinda and Gurbant Singh were prepared and presented in the court pursuant to which charges were framed.

4. In order to prove its case, the prosecution examined PW-1 Nazar Singh, PW-2 Mukand Singh, PW-3 Gurcharan Singh, PW-4 ASI Lal Singh, Investigating Officer, PW-5 Kishore Chand, PW-6 HC Jugraj Singh, PW-7 Jagjit Singh, Lower Division Clerk, Regional Passport Office, Chandigarh, PW-8 Bhola Singh, PW-9 Bakshish Singh and then prosecution closed its evidence.

5. Based on the evidence led, all the accused came to be convicted and sentenced by the court of Sub Divisional Judicial Magistrate, Sardulgarh vide judgment and order of sentence dated 04.04.2006 as under:-

Offence Section	under	Sentence RI/SI	Fine	RI/SI in default of payment of fine
420 IPC		RI for 1-1/2 Years each	Rs.1000/- each	RI for 01 Month each

6. Aggrieved by the aforesaid judgment, Jangir Singh and Balwinder Singh, accused/petitioners filed an appeal whereas accused Gurbant Singh had undergone the sentence awarded to him. The said appeal came to be dismissed vide judgment dated 19.08.2008 passed by the Court of Sessions Judge, Mansa.

7. The aforementioned judgments are under challenge in the present petition.

8. During the pendency of the instant revision petition, the sentence of the accused/petitioners was suspended vide order dated 23.10.2008.

9. The counsel for the accused/petitioners contends that the statements of witnesses are full of discrepancies and contradictions. PW-1 Nazar Singh was not aware of the important aspects of the case. The prosecution witnesses were related to each other and as such were interested witnesses. Nazar Singh had returned to India on 27.03.1997 whereas the

FIR was registered on 19.10.1997. This unexplained delay was fatal to the

prosecution case. In addition he contends that in case this Court was to come to a finding that the prosecution had established its case beyond reasonable doubt, then keeping in view the fact that the occurrence was of the year 1997 and the case had come up for final hearing now after a gap of 27 years, the accused/petitioner may be released on probation subject to payment of compensation.

10. The Counsel for the State on the other hand has filed custody certificates of the accused/petitioners dated 07.01.2025 respectively and the same are taken on record. He contends that the complainant PW-1 Nazar Singh, PW-2 Mukand Singh and PW-3 Gurcharan Singh father of Nazar Singh have categorically described the manner in which the accused cheated the complainant inducing them to pay Rs.75,000/- to send Nazar Singh to a foreign country. The father of Nazar Singh had made a payment of Rs.75,000/- to Jangir Singh in the presence of Gurbant Singh and Balwinder Singh @ Chhinda Singh. As the depositions of the witnesses were consistent in material particulars and even pronotes had been executed with respect to the amount received by the accused, no fault could be found with the judgments of conviction and therefore, the present revision petition was liable to be dismissed.

11. I have heard learned Counsel for the parties and examined the record.

12. As per the consistent case of the prosecution, the accused/petitioners received a sum of Rs.75,000/- from the complainant party to send Nazar Singh abroad. Even pronotes were executed which have been exhibited on record. Despite having received the payments, the accused persons only sent the complainant Nazar Singh to Thailand and thereafter Malaysia where the money was snatched from him and he had to

spend a significant time at a Gurudwara. Later, Nazar Singh was able to return back to India. Thus apparently, a wrongful loss of Rs.75,000/- was admittedly caused to the complainant party. Therefore, I find no infirmity in the judgments of the Trial Court as well as of the lower Appellate Court. Resultantly, the present revision stands dismissed.

13. As regards the imposition of sentence, admittedly, the occurrence pertains to the year 1997 and as many as 27 years have passed ever since then. A perusal of the custody certificates would show that the accused/petitioners do not have any criminal antecedents and are first time offenders. Therefore, subject to the payment of the fine as imposed and payment of Rs.1 Lac as compensation to be paid to Nazar Singh, the sentence of the accused/petitioners is reduced to the period already undergone by them i.e. 01 month and 05 days by accused petitioner no.1- Jangir Singh and 02 months and 19 days by accused/petitioner no.2- Balwinder Singh @ Chhina @ Sukhwinder Singh.

15. The present revision petition stands disposed of in the above terms.

(JASJIT SINGH BEDI)
JUDGE

January 14, 2025
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No