

2025:PHHC:020119



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

CRR-2119-2009(O&M)

Date of Decision:-11.02.2025

Harmesh @ Bittu.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

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

Present:- Mr. Gopal Singh Nahel, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, AAG Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The present revision petition has been preferred against the judgment dated 18.05.2009 passed by Additional Sessions Judge (A), Fast Track Court, Sangrur whereby the appeal filed against the judgment of conviction and order of sentence dated 21.02.2007 passed by Sub Divisional Judicial Magistrate, Malerkotla has been dismissed.

2. The FIR in the present case came to be registered on 20.09.2004. The judgment of conviction was passed on 21.02.2007 by the Sub Divisional Judicial Magistrate, Malerkotla. The Appeal filed against the order of conviction was dismissed on 18.05.2009 by the Additional Sessions Judge (A), Fast Track Court, Sangrur. The instant revision petition was filed on 13.08.2009 and has come up for final hearing now i.e. after a period of 20 years from the date of registration of the FIR.

3. The facts of the prosecution case are that the instant case was registered on the application received from Surinder Pal Singh, manager of Oriental Bank of Commerce, Lasoi, wherein he reported that during the midnight of 19/20.09.05, some miscreants had entered the bank, opened the

almirah, the manager cabin and drawers of the tables and counters. They had attempted to open, the strong room with the help of keys and one such key was still found inserted in the key hole of the strong room. While leaving, they had left one key in the hall of the strong room gate and a broken cutter and screw driver. It was requested that an FIR be lodged. The investigating officer along with other police officials proceeded towards the place of occurrence. One broken lock without key, one screw driver, one key no. 53 and one broken iron blade were taken into police possession from the occurrence place. Photographs were taken. Statements of the witnesses under section 161 Cr. P.C. were recorded. The accused were arrested. Disclosure statements of the accused under section 27 of the evidence act were recorded, on the basis of which, one iron rod was got recovered from the accused Mohd. Kafil, which was taken into police possession vide separate recovery memo. On completion of investigation, challan against the accused was presented in the court.

3. All the accused were charge sheeted under sections 457/380 read with section 511 IPC, to which, they pleaded not guilty and claimed trial.
4. In support of its case the prosecution examined 08 witnesses.
5. In their statement under Section 313 Cr.PC the accused claimed innocence and pleaded false implication.
6. Based on the evidence led, the accused/petitioner along with co-accused came to be convicted and sentenced by the Court of Sub Divisional Judicial Magistrate, Malerkotla vide judgment and order of sentence dated 21.02.2007 as under:-

Offence Section	under	Sentence RI/SI	Fine	RI/SI in default of payment of fine
457 IPC		RI for 01 Year each	Rs.500/-each	RI for 07 Days each
380/511 IPC		RI for 06 Months each	Rs.500/-each	RI for 07 Days each

Both the aforesaid sentences were ordered to run concurrently.

7. Gurjit Singh and Harmesh Singh @ Bittu (petitioner) preferred an appeal against the aforementioned judgments. Though the said appeal was dismissed by the court of Additional Sessions Judge (A), Fast Track Court, Sangrur vide judgment dated 18.05.2009, accused-Gurjit Singh was ordered to be released as he had already undergone the imprisonment

imposed upon him by the Trial Court. Harmesh Singh @ Bittu (petitioner) was taken in to custody to serve out his remaining sentence.

8. The accused/petitioner has filed the instant revision petition impugning the aforementioned judgments.

9. During the pendency of the instant revision petition, the sentence of the accused/petitioner was suspended vide order dated 28.08.2009.

10. The Counsel for the accused/petitioner contends that there was no inculpatory evidence available against the petitioner. The evidence of the prosecution witnesses was discrepant in material particulars. He thus contends that the judgments of conviction were liable to be set aside and the accused ought to be acquitted of the charges framed against him. 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 2004 and the case had come up for final hearing now after a gap of 20 years, the sentence of the accused/petitioner may be reduced to the period already undergone by him.

11. The Counsel for the State on the other hand has filed custody certificate dated 11.02.2025 in the court today which is taken on record as per which the petitioner has undergone a custody period of 03 months and 22 days. He contends that the case against the accused/petitioner stands established beyond reasonable doubt. The prosecution witnesses have deposed consistently as to the manner in which the occurrence had taken place. Therefore, no fault could be found with the impugned judgments and the present petition was liable to be dismissed.

12. I have heard Counsel for the parties.

13. A perusal of the record would reveal that the prosecution witnesses have deposed consistently as to the manner in which the occurrence took place. The defence has not been able to point out any significant variations in their statements so as to create a doubt in the prosecution version. No reason has been advanced for the false implication of the petitioner and his co-accused. Therefore, I find no merit in the present petition and the same stands dismissed.

14. As regards the imposition of sentence, admittedly, the occurrence pertains to the year 2004 and as many as 20 years have passed ever since then. Therefore the sentence of the accused/petitioner is reduced

to the period already undergone by him i.e. 03 months and 22 days. However, the sentence of fine and sentence in default of payment of fine shall remain intact.

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

(JASJIT SINGH BEDI)
JUDGE

February 11, 2025
Vinay

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