

2025:PHHC:037942



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

CRR-2301-2009(O&M)

Date of Decision:-20.03.2025

Shingara Singh.

.....Petitioners.

Vs.

State of Punjab.

.....Respondent.

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

Present:- Mr. Tejinder Singh Sandhu, Advocate with
Mr. Pratap Singh Gill, Advocate
as Amicus Curiae for the Petitioner.

Mr. Harkanwar Jeet Singh, AAG Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The present revision petition has been filed impugning the judgment dated 17.08.2009 passed by Additional Sessions Judge (Adhoc), Fast Track Court-II, Sangrur whereby the appeal filed against the judgment of conviction and order of sentence dated 23.02.2008 passed by Sub Divisional Judicial Magistrate, Dhuri has been dismissed.

2. The FIR in the present case came to be registered on 19.01.2003. The judgment of conviction was passed on 23.02.2008 by the Sub Divisional Judicial Magistrate, Dhuri. The Appeal filed against the order of conviction was dismissed on 17.08.2009 by the Additional Sessions Judge (Adhoc), Fast Track Court-II, Sangrur. The instant revision petition was filed on 03.09.2009 and has come up for final hearing now i.e. after a period of more than 22 years from the date of registration of the FIR.

3. Briefly stated the prosecution case is that on 19.1.2003 ASI Ramji Dass was present at Bhim Chowk, Dhuri and he received a secret

information that a Qualis Car, which was taken into police possession in FIR No. 263 dated 3.4.2002 under Section 454, 380 IPC and 102 Cr.P.C. by the police was having fake number MP-09V-2741 while the original number of the said car was MP-09KB-9761, Chasis No. LF50-1022181, Engine No. 9648952 and Model No. 2001. The said Car had been stolen from Indore. The secret information being a reliable one a ruqa was sent to the Police Station for the registration of the FIR, on the basis of which the formal FIR was registered against the accused. The investigation began and the statements of the witnesses were recorded. The Site plan was prepared. The vehicle was taken into police possession in the present case vide separate recovery memo. The accused was arrested and released on bail as per the order of the court. After completion of necessary formalities, challan against the accused, was presented in the court.

4. Finding a prima case, charges for offences punishable under Section 379, 420, 411 IPC were framed against the accused, to which, he pleaded not guilty and claimed trial.

5. To prove its case the prosecution examined PW1 Tarun Rangera, Clerk, RTO Indore (MP) who proved the endorsement made by the RTO, Indore on the ruqa sent by ASI Ramji Dass and the endorsements Ex. P1 and Ex.P2. PW 2 Sub Inspector Ashok Kumar proved the copy of FIR No. 1049 and 0/2001 dated 13.12.2001 pertaining to the Qualis Car vide Ex. P-3 under Section 379 IPC and FIR Ex. P-4. PW-3 HC Balwinder Singh proved the application moved to the RTO, Indore by him vide Ex. P-5, endorsements made by RTO, Indore Ex. P-1 and Ex. P-2, FIR of the present case Ex. P-6, PW-4 HC Satwinder Singh corroborated the prosecution version and proved the recovery memo Ex.P-7 vide which the Qualis Car was taken into police possession in the present case. PW-5 ASI Ramji Dass

proved the recovery memo Ex. P8 vide which the Qualis Car was taken into possession in FIR No. 263 dated 3.9.2002, ruqa Ex. P-9 sent on the basis of secret information and the personal search memo of the accused Ex. P-10. PW6 Surjit Singh Chhabra testified that the Qualis Car belonging to him was stolen on 12.12.2001 from Indore, when he had gone to attend a marriage party. He also proved FIR recorded by him vide Ex. P-3. PW-7 HC Pardeep Kumar testified that the Qualis Car was taken into possession by SI Ramji Dass and the same was bearing a fake number on the number plate while in the RC some other number was written. PW-8 Shankar Lal, LDC, RTO, Indore proved the signature of RTO vide Ex. P-1 entry in the register pertaining to the Car in question vide Ex. PW-8/A.

6. The statement of the accused was recorded under Section 313 Cr.PC wherein all the incriminating circumstances appearing in the testimony of the prosecution were put to him. He denied the prosecution case and pleaded his innocence. However, no evidence was led in defence by the accused.

7. Based on the evidence led, the accused/petitioner came to be convicted and sentenced by the court of Sub Divisional Judicial Magistrate, Dhuri vide judgment and order of sentence dated 23.02.2008 as under:-

Offence under Section	Sentence	Fine	RI/SI in default of payment of fine
Section 411 IPC	02 Years	Rs.500/-	RI for 03 Months
Section 420 IPC	03 Years	Rs.1000/-	RI for 03 Months

Both the aforesaid sentences were ordered to run concurrently.

8. The accused/petitioner preferred an appeal which came to be dismissed by the Court of Additional Sessions Judge (Adhoc), Fast Track Court-II, Sangrur, vide judgment dated 17.08.2009.

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

10. During the pendency of the instant revision petition, the sentence of the accused/petitioner was suspended vide order dated 11.09.2009.

11. The learned Amicus Curiae for the accused/petitioner contends that the present case was registered on the basis of hearsay evidence. The prosecution has failed to examine any evidence from the Janta Denting and Painting Shop from where car was allegedly seized due to which no credence can be placed on the testimony of the witnesses. The investigating agency has failed to connect the accused with the offence in question. He therefore, contends that the present petition be allowed and the accused 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 2003 and the case had come up for final hearing now after a gap of more than 22 years, the accused may be released on probation or his sentence be reduced to the period already undergone by him subject to payment of compensation.

12. The Counsel for the State on the other hand has placed on record the custody certificate dated 15.01.2025. He contends that the offence stands established beyond reasonable doubt. The prosecution witnesses have deposed consistently with respect to the case of the prosecution. Therefore, there is no merit in the present petition and the same is liable to be dismissed.

13. I have heard counsel for the parties.

14. PW-5 ASI Ramji Dass corroborated the version of the prosecution and testified that he was present at main road Dhuri Sangrur alongwith HC Pardeep Kumar, when secret information was received that

one stolen Tata Qualis was parked at Janta Denting and Painting Shop, Dhuri. Pursuant to the information, when he reached at the shop of Janta Denting and Painting he found one Tata Qualis bearing No. MP-09V-2741 parked at the shop in a damaged condition. The accused was present with the said Tata Qualis. He enquired about the documents of the Tata Qualis from the accused, but he could not produce the said document. He conveyed that he could produce the documents after bringing the same from his house. PW-5 ASI Ramji Dass further stated that he took the Tata Qualis in his possession realizing that the said vehicle was stolen property vide recovery memo Ex. P8, which was attested by HC Pardeep Kumar. He further stated that on 19.1.2003 he alongwith HC Pardeep Kumar and Const. Lekh Ram was present at Bhim Chowk Dhuri when secret information was received that Tata Qualis, which was taken into possession in FIR No. 263/02 was stolen from Indore and the same was having its original number MP-09KV9761. Pursuant to the secret information he sent ruqa Ex. P9 on the basis of which FIR Ex. P6 was registered and the investigation was started. He took into possession the Tata Qualis in the present case vide recovery memo Ex. P7 from MHC Satwinder Singh. The accused was arrested on 20.1.2003. He proved the personal search memo of the accused vide Ex. P.10.

15. PW-7 HC Pardeep Kumar corroborated the version of the prosecution that he was present on 19.1.2003 with ASI Ramji Dass and other police official, when one vehicle having fake number was taken into possession and the said vehicle was having some number written in the RC. He also proved recovery memo Ex. P-8 dated 21.12.2002 vide which the Tata Qualis in question was taken into possession. He also corroborated the version of the prosecution that he was present at Bhim Chowk on 19.1.2003

alongwith ASI Ramji Dass when secret information was received that the Tata Qualis already taken into possession by the police was stolen from Indore and was bearing fake number MP-09V-2741. It was also testified by him that the original number of the said Tata Qualis was MP-09KV-9761. He also proved the recovery memo Ex. P-8 vide which the said Tata Qualis was taken into possession in FIR No. 263 dated 3.9.2002 under Sections 454, 380 IPC, ruqa Ex.P-9 sent by ASI Ramji Dass which resulted into registration of present FIR Ex. P-6 PW-7 HC Pardeep Kumar also proved personal search memo of the accused Ex. P/10 when he was arrested by ASI Ramji Dass in the present case.

16. PW-1 Tarun Rangera, Clerk, RTO Indore proved that registration number MP-09V-2741 was allotted to one Mohindra Jeep Marshal as per the record brought by him. He also proved that the said Mohindra Jeep was owned by Sister Anna, Pavittar Atma Ashram c/o Pavitar Atma Savika Sangh, Indore and the vehicle's Chasis No. was 16771 and Engine No. was 66790. He proved endorsement Ex. P-1 on the verification made by Sh. Rajnish Srivastva and the endorsement made by Sh. R.P. Gotam vide Ex. P-2 in his deposition. PW-2 Ashok Kumar Srivastava proved FIR Ex. P-3 and Ex. P-4 regarding theft of Tata Qualis MP-09KV-9761.

17. PW-6 Surjit Singh Chhabra testified that Tata Qualis bearing no. MP-09KC-9761 was purchased by him in Indore in 2001. He went to attend a marriage party on 12.12.2001 at Indore, but the said car was stolen from the said place. He also proved FIR Ex. P-3 registered by him regarding theft of the said Car.

18. PW-8 Shankar Lal Verma, LDC testified that Tata Qualis MP-09KV-9761 belonged to Surjit Singh Chhabra as per record. He also proved

endorsement Ex.P-1 made by Srivastava in this regard. He also proved entry in the register pertaining to Tata Qualis bearing No. MP-09V-9761 vide Ex. P-8/A.

19. PW-3 HC Balwinder Singh testified that he moved application Ex. P5 to the RTO, Indore, who made endorsement Ex. P1 and Ex.P2 on the said application. He also proved the FIR of the present case vide Ex.P6 registered by ASI Harbhajan Singh, PW-4 HC Satwinder Singh corroborated the version of the prosecution and proved that Tata Qualis bearing No. MP-09V-2741 was delivered to him by ASI Ramji Dass on 21.12.2002 and the said Tata Qualis was taken into possession by ASI Ramji Dass under Section 102 Cr.P.C. He proved recovery memo Ex. P-7 vide which the said Tata Qualis was taken into possession.

20. Apparently the prosecution has been able to prove the recovery of Tata Qualis No. MP-09KV-9761 from the possession of the accused at Janta Denting and Paining Shop on 21.12.2002 and the said Tata Qualis was having fake number MP-09V-2741 at that point of time as the accused altered the original number and got the said fake number scribed on the number plates. The accused could not produce the documents of Tata Qualis. The police came to know that the registration number MP-09V-2741 was a fake number of the Tata Qualis MP-09KV-9761. Moreover, registration no. MP-09V-2741 was allotted to Mohindra Jeep Marshal owned by one Sister Anna while the Tata Qualis in question was allotted the number MP-09KV-9761 by the RTO, Indore. The owner of Tata Qualis bearing number MP-0KV-9761 was Sh. Surjit Singh Chhabra and the same was stolen by the accused on 12.12.2001 from Indore. PW6 Surjit Singh Chhabra has proved the FIR lodged by him in this regard with the police at Indore regarding theft of Tata Qualis No. MP-09KV-9761. The accused altered the original

registration MP-09KV-9761 after committing theft and scribed fake number MP-09V-2741.

21. The Tata Qualis No. MP-09KV-9761 was seized by ASI Ramji Dass on 21.12.002 at Janta Denting and Painting Shop when the accused failed to produce any document pertaining to the said vehicle. It is not the case of the accused that the said Tata Qualis belongs to him. The police afforded him time to produce the documents, but he failed to produce any document. The testimony of PW-5 Ramji Dass and PW-7 HC Pardeep Kumar is cogent and convincing which goes to prove the version of the prosecution and the same cannot be doubted for want of corroboration by any independent witness. Moreover, the vehicle MP-09 KV-9761 belonged to Surjit Singh Chhabra of Indore and same was stolen from there on 12.12.2002.

22. In view of the above discussion, I find no merit in the instant petition and the same stands dismissed.

23. As regards the imposition of sentence, it may be pointed out that this Court in **Gurmukh Singh Vs. State of Punjab CRR No.2168-2014** **Decided on 13.12.2023** held as under:-

“ 21. Thus two parallel threads are :

- a. Courts should normally avoid showing undue sympathy to the accused by imposing inadequate sentence as the same is harmful to the justice system ; and
- b. The Supreme Court has repeatedly considered the fact that ordeal of facing pangs of prolonged trial needs to be considered while deciding adequacy of sentence in the matters pertaining to offence punishable under Section 304-A IPC. Where the accused has faced the prolonged trial running into more than a decade before it is finally concluded by the High Court or the Supreme Court and both the Courts found that the victim needs to be compensated adequately, the time spent in the lis by an accused and compensation to the victim can form relevant considerations for reduction in sentence.

22. *In the present case the present revision is pending consideration for last nine years. FIR relates to the year 2007. The petitioner was granted suspension of sentence on 27.10.2014 after he expressed his readiness to compensate the victim by paying Rs.1.00 lac. The afore said amount stands paid. The question is, having paid compensation as per the orders of this Court 9 years back, should the petitioner be asked to go back behind bars? It is in these mitigating circumstances that this Court finds it appropriate to follow the orders passed by Apex Court in **K. Jagdish's case** (supra) as the facts in the present case are almost similar to those before the Apex Court. I may hastenly add here that the petitioner is claimed to have paid compensation and neither the State nor the victim has agitated against the order passed by this court asking the petitioner to deposit compensation and granting him suspension of sentence.*
23. *The petitioner is a first time offender and has no past criminal record or antecedents. He is not reported to have ever misused concession of bail/suspension of sentence. He has undergone about 6 months out of substantive sentence of 1 year and has already faced protracted trial for last 16 years.*
24. *Taking into consideration all these facts cumulatively, the substantive sentence of 1 year awarded to the petitioner by the Courts below is reduced to the period already undergone by him.*
25. *Petition is disposed off, accordingly.”*

24. Admittedly, the occurrence pertains to the year 2003 and as many as 22 years have passed ever since then. A perusal of the custody certificate of the accused/petitioner would show that there is no other case pending against the accused/petitioner. Therefore, the sentence of the accused/petitioner is reduced to the period already undergone by him i.e. 01 month and 01 day.

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

(JASJIT SINGH BEDI)
JUDGE

March 20, 2025
Vinay

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