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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRR-3367-2009
Date of Decision: 27.10.2025

BACHAN KAUR AND ANR... PETITIONERS

VERSUS

STATE OF PUNJAB... RESPONDENT

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. HarinderPal Singh Ishar, Advocate for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

H.S. Grewal, J.(Oral)

1. This revision petition has been filed against the judgment dated 09.12.2009 passed by Id. Additional Sessions Judge (Adhoc) FTC, Mansa vide which the judgment of conviction and order of sentence dated 02.04.2007 passed by Id. Chief Judicial Magistrate, Mansa was upheld whereby the petitioners were convicted as under :

Sr.No	Name of convict	Under Section	Sentence
1.	Jagga Singh	467 IPC	RI for five years and to pay fine of Rs. 2000/- in default of making payment of fine, convict shall further undergo RI for six months.
		468 IPC	RI for three years and to pay fine of Rs. 2000/- in default of making payment of fine, convict shall further undergo RI for six months.
		471 IPC	RI for one year and to pay fine of Rs. 2000/- in default of making payment of fine, convict shall further undergo RI for six months.



		419/120-B IPC	RI for one year and to pay fine of Rs. 2000/- in default of making payment of fine, convict shall further undergo RI for three months.
2.	Bachan Kaur	419 IPC	RI for two years and to pay fine of Rs. 2000/- in default of making payment of fine, convict shall further undergo RI for six months.
		467/120-B IPC	RI for two years and to pay fine of Rs. 2000/- in default of making payment of fine, convict shall further undergo RI for three months.
		468/120-B IPC	RI for one year and to pay fine of Rs. 2000/- in default of making payment of fine, convict shall further undergo RI for three months.
		471/120-B IPC	RI for six months and to pay fine of Rs. 2000/- in default of making payment of fine, convict shall further undergo RI for three months.

2 The case of the prosecution is that the complainant, Harmail Singh and Assa Singh, through a special power of attorney moved an application to the Senior Superintendent of Police, Mansa, seeking registration of a criminal case against Sukhwinder Singh son of Karam Singh son of Mehna Singh, resident of Village Nandgarh, presently residing near the Stadium at Boha, District Mansa. In the said application, it was stated that one Persin Kaur daughter of Middu Singh resident of Village Nandgarh, had expired on 21.10.1991. She was the owner of certain land situated at Village Nandgarh. It was further stated that the said Persin Kaur was the real grandmother of the complainant Harmail Singh and the mother of Assa Singh, and they were her lawful heirs. During her lifetime, Persin Kaur had never executed any will in favour of any person.

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3. It is alleged that Sukhminder Singh, who had no relation with Persin Kaur, in order to unlawfully grab her property, fraudulently declared himself to be her nephew and, in connivance with officials of the Revenue Department, got a forged will bearing No. 163 dated 05.03.1962 registered in his favour by impersonating another woman as Persin Kaur. The said Will was allegedly procured after the death of Persin Kaur, brought from Haryana, and produced before the revenue authorities to fabricate ownership documents. By doing so, the accused persons committed offences of forgery, cheating, and fraud, thereby depriving the complainant of his lawful rights. The complainant, therefore, requested for an inquiry into the matter and registration of a criminal case against Sukhminder Singh and others involved. Pursuant to the said application, the SSP Mansa directed the SHO, Police Station Jhunir, to conduct an inquiry and submit a report. As the matter pertained to Police Station Budhlada, the SHO, Budhlada, carried out the inquiry and reported that Persin Kaur daughter of Middu Singh son of Dharma Singh, originally a resident of Village Nandgarh and married in Village Karodia, District Ludhiana, had three sons namely Assa Singh, Bachan Singh, and Surjit Kaur and three daughters namely Dalip Kaur, Nasib Kaur, and Harbans Kaur. She had died at Village Karodia on 21.10.1991. However, after her death, Sukhminder Singh son of Karam Singh, resident of Nandgarh (now residing near the Stadium at Boha), on 05.03.1992, by representing a fictitious woman as Persin Kaur, fraudulently got a will concerning her property registered in his favour.

4. The investigation further revealed that Sukhminder Singh, in connivance with Bhajan Singh (Numberdar) and Jagga Singh son of Isher Singh, both residents of Nandgarh, fraudulently procured the said will. The copy of the death certificate of Persin Kaur was placed on record during the inquiry. The

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matter was thereafter investigated by the DSP, Budhlada, who also reported that Persin Kaur daughter of Middu Singh, resident of Nandgarh, had been married to Phuman Singh of Karodia, District Ludhiana, and that she had passed away on 21.10.1991. It was reiterated that the accused persons, acting in collusion, had managed to get the will registered in favour of Sukhminder Singh on 05.03.1992. At the stage of sanctioning mutation, the SDM, Sardulgarh, rejected the will as invalid and refused to sanction the mutation. Aggrieved thereby, Karam Singh, father of Sukhminder Singh, preferred an appeal before the Assistant District Collector, Mansa, which remains pending. On obtaining legal opinion, the SSP Mansa directed the SHO, Budhlada, to register a formal case, pursuant to which the present FIR was registered.

5. During investigation, accused Karam Singh son of Mehna Singh and Jagga Singh son of Isher Singh were arrested on 22.01.1991, while accused Bachan Kaur daughter of Mitta Singh was arrested on 01.02.1991. It also came to light that Sukhminder Singh, in whose favour the will had been registered, was a minor on 05.02.1999 who had born on 01.05.1985, thus rendering the transaction void. Co-accused Bhajan Singh (Numberdar) was found to have died on 01.12.1996. After recording statements of witnesses and completing other requisite formalities, the investigation was concluded, and a final report under Section 173 Cr.P.C. was submitted before the Court.

6. Learned counsel for the petitioners contends that he is not assailing the impugned judgment of conviction on merits and restricts his prayer qua modification of the order on quantum of sentence. He also contends that the petitioner- Jagga Singh has already undergone custody for a period of 03 months and 26 days out of the awarded sentence of 02 years and petitioner- Bachan Kaur



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has undergone custody for a period of 01 month and 08 days out of the awarded sentence of 02 years and stated that the petitioners are not involved in any other case. He prays that since FIR in question pertains to the year 1999, a lenient view may be taken while passing an order on quantum by this Court.

7. Learned State counsel opposes the prayer of the petitioners and filed the custody certificates in the Court, which are taken on record. He further submits that the Courts below has passed a well reasoned judgment based on correct appreciation of evidence available on record. However, he does not refute the fact that the petitioners are not involved in any other case.

8. I have heard learned counsel for the parties and have gone through the material placed on record.

9. The FIR in the present case pertains to the year 1999 and he has already faced the rigors of the trial for more than 26 years.

10. Hon'ble the Supreme Court in "*Deo Narain Mandal Vs. State of UP*", (2004) 7 SCC 257, has held that awarding of sentence is not a mere formality in criminal cases. When a minimum and maximum term is prescribed by the statute with regard to the period of sentence, a discretionary element is vested in the Court. Background of each case, which includes factors like gravity of the offence, the manner in which the offence is committed, age of the petitioner, should be considered while determining the quantum of sentence and this discretion is not to be used arbitrarily or whimsically. After assessing all relevant factors, proper sentence should be awarded bearing in mind the principle of proportionality to ensure the sentence is neither excessively harsh nor does it come across as lenient.

11. Further, a Division Bench of the Hon'ble Supreme Court in *Ravada Sasikala Vs. State of AP*, AIR 2017 SC 1166, has held that the imposition of



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sentence also serves a social purpose, as it acts as a deterrent by making the accused realise the damage caused not only to the victim, but also to the society at large. The law in this regard is well settled that opportunities of reformation must be granted and such discretion is to be exercised by evaluating all attending circumstances of each case by noticing the nature of the crime, the manner, in which the crime was committed and conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.

12. A perusal of the judgment of conviction passed by the Courts below indicates no perversity in their findings and the same are based on correct appreciation of evidence available on record. However, learned counsel for the petitioner has not assailed the judgments, rather restricted the prayer only qua modification of quantum of sentence to that of the sentence already undergone by the petitioner.

13. As far as the question of quantum of sentence is concerned, it is worthwhile to note that the occurrence in this case pertains to the year 1997. The right to speedy and expeditious trial is one of the most valuable and cherished rights guaranteed under the Constitution. The petitioners have already suffered the agony of protracted trial, spanning over a period of more than 26 years and have been in the corridors of the court for this prolonged period. In view of the facts noted above, the case of the petitioners deserve to be dealt with leniency. The petitioners also deserve the benefit of the consistent view taken by this court in this regard. Thus, guided by the judicial pronouncements made by the Hon'ble Supreme Court in the cases of *Haripada Das Vs. State of West Bengal* reported in (1998) 9 SCC 678 and *Alister Anthony Pereira vs. [2023:RJ-JD:28174]* (5 of 5) [CRLR-755/2003] *State of Maharashtra* reported in 2012 2 SCC 648 and



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considering the facts and circumstances of the case, age of petitioners, their status in the society and the fact that they faced financial hardship and had to go through mental agony, this court is of the view that ends of justice would be met, if sentence imposed upon the petitioners is reduced to the period as already undergone by them.

14. Accordingly, judgments passed by the Id. Appellate Court as well as Id. Chief Judicial Magistrate, Mansa are hereby **affirmed** but the quantum of sentence awarded by the Courts concerned under Sections 419,467,468,471 and 120-B of IPC have been modified and reduced to the period of sentence as already undergone by them. The petitioners are on bail. They need not surrender. Their bail bonds are discharged. However, the amount of fine of Rs.2,000/- each imposed upon the petitioners by the Id. Trial Court is enhanced to Rs. 5,000/- each. The petitioners are directed to deposit the enhanced amount of fine in learned trial Court within a period of one month from the date of receipt of certified copy of this order and in case of default of payment of fine, they will be liable to be taken into custody and made to undergo rigorous imprisonment for a period of six months.

15. With these modifications, the present revision petition is disposed of.

16. Pending application(s), if any, shall also stand disposed of.

27.10.2025
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(H.S.GREWAL)
JUDGE

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