

2025 PHH 70/1128



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

CRR-1753-2010(O&M)

Date of Decision:-26.05.2025

Mohinder Kumar & Anr.

.....Petitioners.

Vs.

The State of Punjab.

.....Respondent.

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

Present:- Mr. Ashwani Verma, Advocate for the Petitioners.

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

JASJIT SINGH BEDI, J.(ORAL)

The present revision petition has been filed impugning the judgment dated 01.06.2010 passed by Additional Sessions Judge, Barnala whereby the appeal filed against the judgment of conviction and order of sentence dated 29.09.2007 passed by Chief Judicial Magistrate, Barnala has been dismissed.

2. The FIR in the present case came to be registered on 25.08.1998. The judgment of conviction and order of sentence was passed on 29.09.2007 passed by Chief Judicial Magistrate, Barnala. The Appeal filed against the order of conviction was dismissed on 01.06.2010 by the Additional Sessions Judge, Barnala. The instant revision petition was filed on 22.06.2010 and has come up for final hearing now i.e. after a period of more than 26 years from the date of registration of the FIR.

3. In brief, the facts of the case are that on 25.08.1998 Sub Inspector Pal Singh alongwith ASI Teja Singh and other police party was on

patrolling duty to check suspicious persons near the wine shop of Handiaya. At that time, Bant Singh got recorded his statement to SI Surinder Pal Singh that he had come to know from the news papers that some Sidhi Baba used to convert into Crores of Rupees if a coin of old print with the photograph of two snakes was given to him. On 22.08.1998, in the morning, he came to know that the said Sidhi Baba was coming to Bus Stand Barnala at 11.00 am. He saw the gathering and found that one Baba alongwith his two disciples was present there, and preaching that if any person gave him an old coin and a photograph of two snakes, then he would give that person 4 packets (PURIAN) comprising of Mustard seeds for putting in the room and when the room would be opened after 24 hours, they would be converted into Crores of rupees. On seeing this, he brought the Sidhi Baba and his two disciples to his home. At that time, his neighbour Gurnam Singh son of Santa Singh was present. He (complainant) showed one old coin to Sidhi Baba, but he (Sidhi Baba) stated that it would not work. He (Sidhi Baba) wanted an original coin and stated that it was with him. Sidhi Baba further stated that he (complainant) would have to pay Rs. One Lakh in lieu of the coin. He (complainant) handed over Rs. One lakh to the Sidhi Baba in the presence of his neighbour Gurnam Singh. The notes given to Sidhi Baba comprised of hundred notes of the denomination of five hundred each amounting to Rs.50,000/-, 300 notes of one hundred each amounting to Rs.30,000/- and 400 hundred notes of 50/- each amounting to Rs.20,000/-. He handed over the notes to Sidhi Baba in a cloth bag on which his name Bant Singh was written. The Sidhi Baba in the presence of Gurnam Singh put a coin in the Mustard seed and sprinkled water mixed with the milk, on which some smoke came out from the mustard seed. On seeing this, he was satisfied that Sidhi Baba would convert them into Crores of rupees.

Thereafter, the Sidhi Baba and his two disciples had given four packets (Purian) of mustard seed to him and they told him that each packet (Puri) was to be kept in the 4 corners of the room and the door of the room was to be locked and to be opened after 24 hours after which he would find the room filled with crores of rupees. He acted according to the directions of the Sidhi Baba and put one packed each in the 4 corners of the room and locked the room from out side. The Sidhi Baba and his disciples went away along with Rs.one lakh. On the next day, at 12.00 noon, when he opened the door of the room, he found the packets of mustard seed lying there and no money has been converted from them. Thus the Sidhi Baba and his disciples had cheated him of one lakh rupees. He was searching for them. On that day he was going to Handiaya and the said persons were present in the cremation ground of Handiaya and they were giving mustard seeds to some third person. He identified them and stated that if raid was conducted then all the three persons could be apprehended. SI Surinder Pal Singh has read over the statement of Bant Singh, who signed it after admitting the same as correct and sent C. Naib Singh to the Police Station for registration of FIR.

4. SI Surinder Pal Singh along with the police party went to the spot and apprehended all the three persons. Out of these, Sidhi Baba disclosed his name as Rajesh Kumar, one person disclosed his name as Mohinder Kumar and the other person disclosed his name Sohan Singh. He took into possession from them one bottle with some Chemical, which was sealed by him with the seal of SPS and also recovered the seeds of mustard which was also sealed by him with the seal of SPS and were taken into police possession vide separate recovery memo. During investigation, Rajesh Kumar made a disclosure statement that he could get recovered the amount taken by him from Bant Singh. On his statement, SI Surinder Pal

Singh under the guidance of Rajesh Kumar got recovered Rs.85,000/- from the place disclosed by him, which was taken into police possession. Thereafter, the investigation was conducted. Statements of witnesses were recorded and after the completion of investigation, challan against the accused was presented in the court.

4. Charges were framed under Section 420 IPC against the accused to which they pleaded not guilty and claimed trial.

5. In order to substantiate its case, the prosecution examined Bant Singh Complainant as PW-1, Dalip Singh as PW-2, Nachhatar Singh as PW-3. The APP tendered into evidence affidavit Ex.PX of MHC Ajaib Singh, affidavit Ex.CX of Constable Ajaib Singh and Chemical Examiner report as Ex.PZ and also tendered into evidence affidavit of HC Harjinder Singh as Ex.PD and thereafter closed the prosecution evidence.

6. After closure of the prosecution evidence the accused were examined under Section 313 Cr.P.C and all the incriminating evidence appearing against them was put to them. They pleaded innocence and claimed false implication.

7. The accused examined Mukesh Kumar as DW-1, Upas Kumar Municipal Councilor as DW-2 and Chet Ram Municipal Councilor as DW-3 and closed their defence evidence.

8. Based on the evidence led, the accused/petitioners came to be convicted and sentenced by the court of Chief Judicial Magistrate, Barnala vide judgment and order of sentence dated 29.09.2007 as under:-

RAJESH KUMAR @ SIDHI BABA

Offences under Section	Sentence	Fine
Section 420 IPC	RI for 02 Year each	Rs.2000/- each

MOHINDER KUMAR

Offences under Section	Sentence	Fine
Section 420/34 IPC	RI for 02 Year each	Rs.2000/- each

SOHAN SINGH

Offences under Section	Sentence	Fine
Section 420/34 IPC	RI for 02 Year each	Rs.2000/- each

In default of payment of fine the accused/petitioners shall undergo RI for 02 weeks

9. The accused/petitioners preferred an appeal which came to be dismissed by the Court of Additional Sessions Judge, Barnala vide judgment dated 01.06.2010.

10. The aforementioned judgments are under challenge in the present revision petition.

11. During the pendency of the instant revision petition, the sentence of the accused/petitioners was suspended vide orders dated 30.07.2010 and 14.10.2010 respectively.

12. The Counsel for the accused/petitioner at the very outset submits that Sohan Singh had died during the proceedings before the Appellate Court whereas Rajesh Kumar @ Sidhi Baba (petitioner no.2) has died during the pendency of the instant revision petition. As Rajesh Kumar @ Sidhi Baba was the main accused and the petitioner no.1-Mohinder Kumar is stated to be his disciple, his sentence be reduced to the period already undergone by him.

13. The Counsel for the State on the other hand has placed on record the custody certificate dated 25.05.2025 of accused/petitioner no.1-Mohinder Kumar. He has not disputed the factual position that Rajesh Kumar @ Sidhi Baba is the main accused who has passed away whereas

Sohan Singh had died during the proceedings before the lower Appellate Court. He however states that the nature of allegations leveled against the accused/petitioner no.1 not entitle him to any concession and the petition be dismissed.

14. I have heard counsel for the parties.

15. A perusal of the material on record establishes the commission of the offence on the part of the accused beyond reasonable doubt. However, it is Rajesh Kumar @ Sidhi Baba who was the main accused and has since passed away. The FIR came to be registered on 25.08.1998. The appeal was dismissed on 01.06.2010. The instant revision petition was admitted on 28.06.2010 and has come up for final hearing today i.e. after more than 26 years. Therefore, while upholding his conviction I deem it appropriate to reduce the substantive sentence of the accused/petitioner no.1- Mohinder Kumar to the period already undergone by him i.e. 04 months and 30 days. The sentence of fine and sentence in default of payment of fine shall remain intact.

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

Qua petitioner no.2 Rajesh Kumar @ Sidhi Baba, the petition stands abated.

(JASJIT SINGH BEDI)
JUDGE

May 26, 2025
Vinay

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