

2025:PHHC:071'08



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

CRR-2745-2010(O&M)

Date of Decision:-26.05.2025

Kirpal Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

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

Present:- Mr. Ashok Giri, Advocate for the Petitioner.

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

JASJIT SINGH BEDI, J.(ORAL)

The present revision petition has been filed impugning the judgment dated 27.09.2010 passed by Sessions Judge, Rupnagar whereby the appeal filed against the judgment of conviction and order of sentence dated 14.07.2009 passed by Judicial Magistrate Ist Class, Ropar has been dismissed modifying/reducing the sentence of the accused/petitioner by 06 months in offence under Section 420 IPC.

3. The FIR in the present case came to be registered on 16.10.2001. The judgment of conviction was passed on 14.07.2009 by the Judicial Magistrate Ist Class, Ropar. The Appeal filed against the order of conviction was dismissed on 27.09.2010 by the Sessions Judge, Rupnagar modifying/reducing the sentence of the accused/petitioner by 06 months in offence under Section 420 IPC. The instant revision petition was filed on

04.10.2010 and has come up for final hearing now i.e. after a period of more than 24 years from the date of registration of the FIR.

5. The brief facts of the case are that a complaint dated 12.4.2001 was presented by Beant Singh son of Joginder Singh resident of Village Garhi Farid, Police Station, Chamkaur Sahib to the D.S.P. Morinda against Kirpal Singh Rehal, Gobindpuri, New Delhi for cheating being a travel agent. It was alleged that the complainant had delivered Rs.4,05,000/- to Kirpal Singh Rehal, Gobindpuri, New Delhi after taking it from Commission Agent Ujjal Singh at his house Garhi Farid in the presence of Dial Singh son of Joginder Singh & Amarjit Singh son of Lehna Singh on 1.1.2000. The complainant along with other persons requested the agent not to deceive him as this amount had been taken from the commission agent, but he assured that he would send his son to Italy within one month. Up to 21.2.2000 he kept back his son at his house in New Delhi. On 21.2.2000, he sent his son to Moscow where he was kept in a closed room. Thereafter, he remained in jail for one month. Later he stated that he was unable to send his son and he may make alternative arrangements. Thereafter the complainant demanded his money back and the accused assured to return the money with interest. But he was not returning and he was also giving threats. He also threatened to send them to the jail if they came to Delhi and also threatened to kill him through his son Harnek Singh. The agent was residing at Street No.5 in front of Gautam Maruti Showroom, Gobindpuri, New Delhi. It was requested that the amount may be got returned and his family be saved. The application was marked for investigation to ASI Piara Singh. He recorded the statements of the witnesses and the opinion of the D.A. Legal was obtained. A prima facie case under Section 406, 420 IPC was made out and the SSP ordered for the registration of the case. The investigation was handed over to

S.I. Gurmit Singh. Accused Kirpal Singh was arrested on 22.11.2001 and was taken into police remand and thereafter granted bail. On completion of the entire investigation the challan was presented before the court.

3. Finding a prima facie case charge under section 420 IPC was framed against the accused to which he pleaded not guilty and claimed trial.

4. In order to prove its case the prosecution examined complainant Bant Singh as PW-1, Dial Singh son of Joginder Singh as PW-2, Jaspal Singh son of Bant Singh as PW-3, Amarjit Singh as PW-4, Gurmukh Singh as PW-5, SI Gurmit Singh as PW-6, ASI Piara Singh as PW-7 and Ujjal Singh as PW-8.

5. The statement of the accused was recorded under Section 313 Cr.PC wherein all the incriminating evidence was put to the accused. He pleaded innocence and claimed false implication.

6. Based on the evidence led, the accused/petitioner came to be convicted and sentenced by the court of Judicial Magistrate Ist Class, Ropar vide judgment and order of sentence dated 14.07.2009 as under:-

Offences under Section	Sentence	Fine	RI/SI in default of payment of fine
Section 420 IPC	RI for 02 Years	Rs.2000/-	SI for 01 Month

6. The accused/petitioner preferred an appeal which came to be dismissed by the Court of Sessions Judge, Rupnagar, vide judgment dated 27.09.2010. However, the sentence of the accused/petitioner was reduced from 2 years.

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

8. During the pendency of the instant revision petition, the sentence of the accused/petitioner was suspended vide order dated 12.11.2010.

9. The Counsel for the accused/petitioner at the very outset submits that he does not wish to challenge the conviction of the accused/petitioner but contends that as he is of the age of 94 years and is suffering from multiple age related ailments, his sentence be reduced to the period already undergone by him subject to payment of compensation as this Court deems fit.

10. The Counsel for the State on the other hand has placed on record the custody certificate dated 24.05.2025. He contends that the nature of the allegations leveled against the petitioner does not entitle him to any concession. Therefore, the present petition is liable to be dismissed. However, it is not disputed that the accused is of the age of approximately 94 years.

11. I have heard counsel for the parties.

12. From the evidence as adduced by the prosecution the commission of the offence stands established beyond reasonable doubt. Therefore, I find no merit in the present petition and the same stands dismissed.

13. As regards imposition of sentence, a perusal of the custody certificate would reveal that the petitioner has undergone custody of 03 months and 25 days out of the substantive sentence of 1-1/2 years. The matter has come up for hearing now after more than 24 years have elapsed from the date of registration of the FIR. The petitioner is now of the age of approximately 94 years. Therefore, while upholding his conviction, I deem it appropriate to reduce the sentence imposed on him to the period already undergone by him subject to payment of compensation of Rs.50,000/- to the complainant/legal heirs. The sentence of fine and sentence in default, however, shall remain intact.

13. The revision petition stands disposed of in the above terms.

(JASJIT SINGH BEDI)
JUDGE

May 26, 2025
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>