



CRR-3267-2018 and two more cases

1

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

**1. CRR-3267-2018 (O&M)
Date of Decision: 20.03.2025
JAI GOPAL ...Petitioner**

Versus

STATE OF PUNJAB ...Respondent

**2. CRR-3231-2018 (O&M)
Date of Decision: 20.03.2025
KEWAL KRISHAN ...Petitioner**

Versus

STATE OF PUNJAB ...Respondent

**3. CRR-3389-2018 (O&M)
Date of Decision: 20.03.2025
GEETA RANI ...Petitioner**

Versus

STATE OF PUNJAB ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sonpreet Singh Brar, Advocate
for the petitioner in CRR-3267-2018.

Mr. Saurav Arora, Advocate
for the petitioner in CRR-3231-2018.

Mr. D.S. Kahlon, Advocate
for the petitioner in CRR-3389-2018.

Mr. Nitesh Sharma, DAG Punjab and
Mr. Rishabh Singla, AAG Punjab.

Harpreet Singh Brar, J. (Oral)

1. All these aforementioned petitions are decided by this common order as all the cases are arising from same FIR.

2. These revision petitions have been filed against the judgment dated 23.08.2018 passed by learned Additional Sessions Judge, Gurdaspur, whereby the judgment of conviction and order on quantum of sentence dated 11.01.2016



CRR-3267-2018 and two more cases

2

passed by learned Judicial Magistrate Ist Class, Batala have been upheld, vide which the petitioner(s) have been convicted under Sections 409/419/420/467/468/471 of Indian Penal Code and sentenced as follows:

Name	Under Section	Rigorous imprisonment	Fine	Sentence in default of payment of fine
Geeta Rani	409	03 years	Rs. 2,000/-	Three months
	419	01 year	Rs. 1,000/-	Two months
	420	02 years	Rs. 1,000/-	Two months
	467	02 years	Rs. 1,000/-	Two months
	468	02 years	Rs. 1,000/-	Two months
	471	02 years	Rs. 1,000/-	Two months
Jai Gopal	409	03 years	Rs. 2,000/-	Three months
	419	01 year	Rs. 1,000/-	Two months
	420	02 years	Rs. 1,000/-	Two months
	467	02 years	Rs. 1,000/-	Two months
	468	02 years	Rs. 1,000/-	Two months
	471	02 years	Rs. 1,000/-	Two months
Kewal Krishan	409	03 years	Rs. 2,000/-	Three months
	419	01 year	Rs. 1,000/-	Two months
	420	02 years	Rs. 1,000/-	Two months
	467	02 years	Rs. 1,000/-	Two months
	468	02 years	Rs. 1,000/-	Two months
	471	02 years	Rs. 1,000/-	Two months
All sentenced were ordered to run concurrently.				

4. In brief, the case of the prosecution is that FIR in this case was registered on the application of Doctor Lakhwinder Singh, Incharge/S.M.O, PHC, Bham, Tehsil Batala, which was moved to Senior Superintendent of Police, Batala, wherein he stated that he was posted as Medical Officer in Primary Health Centre, Qadian and charge of Primary Health Centre, Bham is also with him from November, 2006. The charge of G.P. Fund service book and GIS was

**CRR-3267-2018 and two more cases****3**

with Geeta Rani, Clerk, Primary Health Centre, Bham. On 05.06.2007 he received call from Treasury Officer, Qadian for verifying his signature on the bills of withdrawal of G.P. Fund of Munir Masih. Primary Health Centre, Bham. He reached at the office of Treasury Office, Qadian and the bill of withdrawal of G.P.Fund of Munir Masih, which was prepared by Geeta Rani was shown to him, on which, Geeta Rani had forged his signature and also forged the signature of Superintendent(Account) on Sanction of Director. On the withdrawal form also, his signature were forged. The Treasury Officer has written his remarks on same day and handed over the bills to him. A suspicion had arisen on the work of Geeta Rani and then he enquired from the State Bank of India, Qadian Branch with regard to withdrawal during his tenure and then he came to know that Geeta Rani had withdrawn Rs.5,20,000 on 09.01.2007 vide cheque no.352477. On 22.01.2007 through cheque no.352504 Rs.1,87,000/- and on 06.03.2007 the amount of Rs.92,000/- were deposited in account of Jagdish and Rs.95,000/- were deposited in account of Puran Chand. On 09.05.2007 through cheque no.252766 Rs.2,70,000/-, on 12.05.2007 Rs.85,000/- were deposited in account of Balwinder Kaur, Rs.95,000/- were deposited in her own account and Rs.90,000/- were deposited in account of Tilak Raj. On 10.05.2007 through cheque no.352788 the amount of Rs.1,95,000/-were withdrawn and she deposited Rs.95,000/- in her account and Rs.1,00,000/- in account of Rani Devi. Later on, out of said account, some amount was given and remaining amount was embezzled. On the bills, Geeta Rani forged his signature on some bills and also got his signature fraudulently on some bills. Then he informed Civil Surgeon, Gurdaspur and accused was called by him and she admitted his guilt and she also given one statement in written in this respect. The departmental enquiry has been initiated and Director, Health Department had suspended the

**CRR-3267-2018 and two more cases****4**

accused because Civil Surgeon, Gurdaspur vide letter dated 13.06.2007 had informed the Director in this respect. Thus by forging the record and signature of complainant, she had caused loss of Rs.11,62,000/- to the department during her service. It was prayed that action should be taken against the accused.

5. After assessing the material available on record, the learned trial Court convicted and sentenced the petitioners vide judgment and order dated 11.01.2016 and the appeal preferred against the said judgment of conviction and order of sentence has been dismissed by learned Lower Appellate Court vide judgment dated 23.08.2018. Aggrieved, against the said judgments and orders, the petitioners have preferred these revision petitions.

4. Learned counsel(s) for the petitioner(s) contend that the petitioners have suffered the agony of trial for the last more than 17 years as the FIR(supra) was registered on 16.06.2007. Therefore, learned counsels further submit that they are not assailing the impugned judgment of conviction dated 23.08.2018 passed by learned Additional Sessions Judge, Gurdaspur on merits and restrict their prayer to modification of the order on quantum of sentence dated 11.01.2016 to that of the release of the petitioners on probation of good conduct and urged the Court to take a lenient view of the matter as the petitioners have reformed and intend to live their life as a law-abiding citizen.

5. Per contra, learned State counsel opposes the prayer of the petitioners on the ground that learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record which has also been upheld by learned lower Appellate Court and as such, they do not deserve any leniency.

6. I have heard learned counsel for the parties and perused the paper book with their able assistance.



CRR-3267-2018 and two more cases

5

7. Section 3 and 4 of the Probation of Offenders Act empower the courts to release the offenders on probation of good conduct in the cases and circumstances mentioned therein. Similarly, Sections 360 and 361 of the Cr.P.C (401 and 402 of BNSS) also empower the courts to release the offenders on probation of good conduct in the cases and circumstances mentioned therein. A two Judge Bench of the Hon'ble Supreme Court in **Som Dutt and others Vs. State of Himachal Pradesh (2022) 6 SCC 722** speaking through Justice Bela M. Trivedi, has held as under:-

“6....having regard to the fact there are no criminal antecedents against the petitioners, the court is inclined to give them the benefit of releasing them on probation of good conduct. In that view of the matter, while maintaining the conviction and sentence imposed on the petitioners, it is directed that the petitioners shall be released on probation of good conduct....”

A two Judge Bench of the Hon'ble Supreme Court in **Lakhvir Singh Vs. State of Punjab (2021) 2 SCC 763** speaking through Justice Sanjay Kishan Kaul, has held as under:-

“6. We may notice that the Statement of Objects and Reasons of the said Act explains the rationale for the enactment and its amendments: to give the benefit of release of offenders on probation of good conduct instead of sentencing them to imprisonment. Thus, increasing emphasis on the reformation and rehabilitation of offenders as useful and self-reliant members of society without subjecting them to the deleterious effects of jail life is what is sought to be subserved.”

The Hon'ble Supreme Court in **Bishnu Deo Shah Vs. State of West Banal AIR 1979 SC (964)** has laid down that it is obligatory on the part of the Court to deal with a convict under the provisions of Section 360 of the Code of Criminal Procedure, if he is not convicted for an offence punishable with death penalty or imprisonment for life and additionally he is not a previous convict and further the overarching object of the provision contained in Section 4 and 6 of the Probation of Offenders' Act 1958 (hereinafter to be referred to as 'the Act

**CRR-3267-2018 and two more cases****6**

of 1958') and Section 360 and 361 of Cr.P.C. is to provide an opportunity to the first time offenders to reform and not expose them in association with the hardened and habitual criminal inmates incarcerated in the judicial custody. Thus, keeping in view the antecedents of the petitioners and the fact that they are not previous convicts, it is obligatory upon the Court to extend the benefit of Probation of Offenders Act to them.

11. In view of the facts and circumstances of the case, the instant revision petitions are disposed of, in the following terms:-

1. The judgment of conviction dated 23.08.2018 passed by the learned Additional Sessions Judge, Gurdaspur, is upheld.
2. The order of sentence dated 11.01.2016 passed by the learned Judicial Magistrate Ist Class, Batala is modified to the extent of granting the concession of probation to the petitioners for good conduct.
3. The petitioners in all the petitions shall be released on probation for good conduct on furnishing a personal bond of Rs.10,000/- each with a surety for the same amount, after furnishing an undertaking to keep the peace and good behaviour for a period of one year to the satisfaction of the concerned trial Court, within four weeks.
4. The petitioners shall remain under the supervision of the concerned Probation Officer during the aforesaid period. If the petitioners fail to comply with the said directions or commit breach of the undertaking rendered by them, they shall be called upon to undergo the sentence imposed upon them by the learned trial Court.

12. Needless to say in view of the Section 12 of Probation of Offenders



CRR-3267-2018 and two more cases

7

Act, judgment(s) of conviction dated 23.08.2018 passed by learned Additional Sessions Judge, Gurdaspur and judgment and order of sentence dated 11.01.2016 passed by learned Judicial Magistrate Ist Class, Batala shall not be a hurdle to any of the petitioners, in any way to get retiral benefits and other service benefits to which they are entitled to.

13. A photocopy of this order be placed on the files of other connected cases.

(HARPREET SINGH BRAR)
JUDGE

20.03.2025

Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No