



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

206

Criminal Revision No.1277 of 2008
Date of decision: September 3rd, 2025

Hardev Singh

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Prachi Gupta, *Amicus Curiae*
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J.

The present revision petition arises out of FIR No.125 dated 04.06.1999 registered at Police Station Kotwali, Bathinda, under Section 420 of the IPC on the complaint of Kulwinder Singh, alleging that the petitioner-accused Hardev Singh, by falsely representing himself as the owner of a plot of land, dishonestly induced the complainant to part with a sum of ₹1 lakh as earnest money.

2. The trial Court, on appreciation of the evidence adduced, held the petitioner guilty under Section 420 of the IPC and sentenced him to undergo rigorous imprisonment for a period of two years with a fine of ₹1,000/-. The said conviction and sentence were affirmed by the learned Additional Sessions Judge, Bhatinda, in appeal. Aggrieved, the petitioner has preferred the present revision.

3. Learned *Amicus Curiae* appearing on behalf of the petitioner contends that the land in question was the exclusive property of the

petitioner; that the acquisition proceedings initiated by the Government in 1974 had been set aside by the High Court in 1984, thereby restoring ownership and possession to him; and, therefore, the finding that the petitioner was not the owner is erroneous. It is further urged that a material witness, Balwinder Kaur, who was alleged to have witnessed the agreement, was not examined by the prosecution.

4. *Per contra*, learned State counsel has supported the judgments of the Courts below, arguing that the prosecution has proved its case beyond doubt through the testimony of PW-1 Kulwinder Singh, which stands corroborated by PW-3 Jagjit Singh and PW-4 Bharat Bhushan. It is further submitted that the petitioner has failed to produce any cogent documentary evidence to establish his ownership or possession of the disputed property, and in the absence of such proof, his plea cannot be sustained.

5. Having heard learned counsel for the parties and examined the record, this Court finds no infirmity in the concurrent findings recorded by the trial Court as well as the learned Appellate Court. The evidence on record clearly establishes that the petitioner entered into an agreement to sell a plot measuring 250 square yards to the complainant Kulwinder Singh, received a sum of ₹1 lakh as earnest money, and promised to execute the sale deed before 01.06.1998. However, the petitioner was neither the owner nor in possession of the said plot, as verified from the revenue authorities and the Municipal Committee. Despite opportunity, the petitioner failed to produce any document such as *jamabandi* or municipal record regarding ownership. The testimonies of the complainant, duly corroborated by independent witnesses, established that the petitioner dishonestly induced the complainant to part with money under false pretences. The ingredients of

the offence under Section 420 of the IPC stand fully attracted. The contention of the learned *amicus* that the matter is purely civil in nature is misconceived as the fraudulent intention of the petitioner at the inception of the transaction has been conclusively demonstrated.

6. This Court, therefore, upholds the conviction of the petitioner under Section 420 of the IPC, as recorded by both the Courts below.

7. At this stage, learned *amicus* prays for leniency in the matter of sentence, placing reliance on the advanced age of the petitioner, now about 81 years, his otherwise clean antecedents, and the fact that he has undergone protracted criminal proceedings for over two decades. The custody certificate placed on record shows that the petitioner has already undergone incarceration for a period of 3 months and 26 days, and has not been involved in any other criminal case apart from the present one.

8. Considering the prolonged ordeal of trial, the petitioner's advanced age, and his unblemished record otherwise, this Court is of the view that no useful purpose would be served by sending him back to custody at this stage. In the interest of justice, while upholding the conviction, the substantive sentence of two years is reduced to the period already undergone by the petitioner. However the fine imposed is enhanced from ₹1,000/- to ₹10,000 to be deposited with the "Punjab Chief Minister Relief Fund, A/c No. 001934001000589, IFSC-TPSC0000019, Punjab State Cooperative Bank" within one month from the date of this order.

9. It is made clear that in the event of failure on the part of the petitioner to deposit the enhanced fine within the stipulated period, the benefit of reduction of sentence shall not accrue to him, and he shall be required to undergo the remaining part of the sentence awarded by the

Courts below.

10. Subject to the above modification in sentence, the instant revision petition stands dismissed.

September 3rd, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No