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

CRR-630-2009(O&M)

Date of Decision: 11.03.2026

Sukhdev Singh

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. P.K.S.Phoolka, Advocate
for the petitioner.

Mr. Sartaj Singh Gill, Sr. DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present revision petition against the judgment dated 21.02.2009, passed by Additional Sessions Judge, Bathinda and the impugned judgement of conviction and order of sentence dated 09.02.2008 passed by the Court of Sub-Divisional Judicial Magistrate, Phul, whereby the petitioner was convicted for commission of the offences under Sections 406, 420, 482, 120-B of IPC and was sentenced as under:-

Under Section 120-B IPC	Rigorous imprisonment for three months with fine of Rs.1000/- and in default of payment of fine, he will further undergo rigorous imprisonment for 15 days.
Under Section 406 IPC	Rigorous imprisonment for one year with fine of Rs.2,000/- and in default of payment of fine, he will further undergo rigorous imprisonment for two months.
Under Section 482 IPC	Rigorous imprisonment for six months with fine of Rs.1000/- and in default of payment of fine, he will



	further undergo rigorous imprisonment for one month.
Under Section 420 IPC	Rigorous imprisonment for three years with fine of Rs.5,000/- and in default of payment of fine, he will further undergo rigorous imprisonment for five months.

2. As per story of the prosecution, the FIR in the present case was registered on the basis of a complaint sent by Sh. Surinder Mohan, Sub-Divisional Judicial Magistrate, Phul to Station House Officer, Police Station, Phul on 30.04.2001. As per the complaint, a case titled as State Vs. Binder Singh, bearing FIR No.125 dated 25.12.1998, under Sections 304-A/279 IPC was pending before the Court on 03.04.2001. A truck bearing registration No.PAT-581 bearing chasis No.34400247027738 and Engine No. 692DO14702751 was taken into police possession in the said case and was later on released on Superdari to the petitioner on his furnishing the requisite Superdari bonds to the Court. Baldev Singh, co-accused, stood surety thereof for production of the above said truck in the Court in the above referred case. That on 3.4.2001, the above referred case was fixed before the Court and truck in question was required to be produced there at by the Superdar Sukhdev Singh. That Sukhdev Singh Superdar, in connivance with owner of the truck, produced some other truck bearing number plate as PAT-581 in the Court. That A.P.P. of the Court brought to the notice of Court that a wrong truck has been produced. That Court sent Naib Court Rajinder Singh Dhillon to verify the chasis and engine number of the truck produced in the Court. That concerned Naib Court reported to Court that a truck with wrong Engine No. 692D013715248 and chasis No. 3440023715043 was produced in the Court,



although it put up a number plate as PAT-581 by the Superdar. The Court recorded statement of Superdar Sukhdev Singh in this regard and sent the case to Police Station, Phul for registration of case against Superdar Sukhdev Singh and owner of the truck. The investigation was conducted in this case by SI Darshan Singh. He took the wrongly produced truck into Court, into police possession vide separate memo. He recorded statements of witnesses. He prepared rough site plan of the place of alleged occurrence. On completion of investigation of case, challan was presented against the appellants in the above referred court.

3. After the presentation of challan, charge was ordered to be framed against the petitioner and his co-accused for commission of the offences under Sections 120-B, 406, 482 and 420 of IPC, to which he pleaded not guilty and claimed to be tried.

4. In support of the prosecution case, the prosecution examined four witnesses, namely, PW-1, Rajinder Singh Dhillon, PW-2 Rajiv Kumar, Clerk, DTO Office, Bathinda, PW-3 Surinder Mohan, Chief Judicial Magistrate, Ropar and PW-4 SI Darshan Singh and thereafter, the evidence of prosecution was closed. Thereafter, the entire prosecution evidence was put to the petitioner in the shape of his statement under Section 313 Cr.P.C. He stated that he had been falsely implicated in the present case and the prosecution case was false. He opted not to lead any defence evidence in the present case.

5. During the course of arguments, learned counsel for the petitioner submitted that the petitioner has already been convicted by both the Courts by passing detailed judgments and he does not wish to challenge the judgment of



conviction in the present case. However, as per the judgment passed by the trial Court on 09.02.2008, he was aged about 66 years and at present, he is aged about 84 years, accordingly. Thus, a lenient view may be taken while awarding the sentence to him.

6. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner and submitted that the petitioner had played a fraud during the court proceedings and did not deserve any leniency in the present case. Even otherwise, sufficient evidence had been led to prove his involvement in the crime and the petition deserves to be dismissed by this Court.

7. I have heard learned counsel for the parties and perused the record carefully.

8. In the present case, the complaint was filed by Sh. Surinder Mohan, PW-3 and he had reiterated the prosecution case in his testimony. PW1 Rajinder Singh corroborated his statement in all respect. Apart from that, PW2 Rajiv Kumar proved the record of truck bearing Registration No. number PB-03E-8042. Further, Darshan Singh SI, who was the investigator in the present case had proved the complete process of investigation. This Court has carefully perused the testimonies of all the 4 witnesses and they had conclusively proved the offence against the petitioner. Even otherwise, I have carefully gone through the findings recorded by the trial Court and find no reason to deviate from the same.

9. Now, adverting to the order of sentence, this Court finds sufficient force in the submissions made by learned counsel for the petitioner. In fact, the



petitioner is facing the agony of investigation, trial and appeal since 02.05.2001 i.e. for almost 25 years. Even, he is shown to be aged about 66 years on 09.02.2008 and thus, he must be aged about 84 years. Thus, no purpose will be served by sending him behind bars at this stage. Even otherwise, as per the custody certificate, the petitioner has already undergone 01 month and 27 days of sentence. Thus, the sentence imposed on the petitioner is reduced to the period already undergone by him.

10. Thus, the impugned judgment dated 21.02.2009, passed by Additional Sessions Judge, Bathinda and the impugned judgement of conviction and order of sentence dated 09.02.2008 passed by the Court of Sub-Divisional Judicial Magistrate, Phul, under Sections 406, 420, 482, 120-B of IPC are ordered to be upheld, whereas, the sentence imposed on the petitioner is reduced to the period already undergone by him. Even, the amount of fine will remain the same.

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

12. Pending applications, if any, stand also disposed of.

(N.S.SHEKHAWAT)
JUDGE

11.03.2026
hemlata

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