



210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-2155-2010
Date of Decision:06.05.2026

Balbir Singh ...Petitioner

Vs.

State of Punjab ...Respondent

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

Present: Mr. Dinesh Maurya, Advocate
for the petitioner.

Mr. Bhanu Partap Singh, Addl. A.G., Punjab.

N.S.Shekhawat J.

1. The petitioner has filed the present revision petition against the impugned judgment dated 07.07.2010, passed by the Court of Additional Sessions Judge, Barnala, whereby, the appeal filed by the petitioner was ordered to be dismissed and the impugned judgment of conviction and order of sentence dated 16.11.2009, passed by the Court of Chief Judicial Magistrate, Barnala, whereby, the petitioner was ordered to be convicted for the offence punishable under Section 408 of IPC and was sentenced as under:-

Under Section 408 of IPC	R.I for a period of one year and to pay a fine of Rs.2,000/-. In default of payment of fine, he shall undergo further R.I for one month.
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2. The brief facts of the prosecution case are that Rakesh Kumar Bansal got recorded his statement Ex.PA with SI Raj Kumar that he is resident of Patel Nagar, Barnala and is owner of Petrol Pump under the name of Barnala Filling Station, Raikot Road, Sanghera. He has employed Balbir Singh, son of



Piara Singh, resident of Sanghera about four years back and at the time of his employment it was agreed that he shall deposit the daily sale proceeds either with him or his Manager Vinod Kumar. It was stated that on 25.01.2002, he had gone to Chandigarh for his domestic work and on 27.01.2002, when he returned at about 9.00 A.M, he was told by his Manager Vinod Kumar that Balbir Singh has neither sent any sale statement of 26.01.2002 nor he had deposited sale proceeds. Thereafter, he alongwith said Vinod Kumar reached at petrol pump and on seeing them Balbir Singh became nervous and when they enquired from him regarding sale statement of 26.01.2002 and sale proceeds and he paid Rs. 40,000/- and also prepared sale statement showing sale of Rs.4,83,381.26 paise, out of which sale of Rs. 1,11,015.76 paise was on credit basis and remaining amount of Rs. 3,44,611 were payable by him, which he failed to pay and disclosed that he had utilized this amount for his personal use. He also failed to disclose the names of those persons, to whom oil was sold on credit of worth Rs. 1,11,015.76 paise. It was stated that said Balbir Singh assured that he would pay the amount very soon and left for his house, but later on he came to know that he has absconded. It was stated that he has embezzled an amount of Rs.4,55,626.76 paise and has committed criminal breach of trust. This statement was real and explained to him, who after admitting it to be correct signed the same and after making endorsement Ex.PA/1, it was sent to Police Station through SPO Surinder Pal Singh on the basis of which formal FIR Ex.PA/2 was recorded. Rough site plan of the place of occurrence was prepared. During the investigation of the case, it was revealed that accused had stacked an amount of Rs. 3,44,611/- on lotteries and had sold oil worth Rs. 1,11,015.76 paise on credit basis to the different persons. After completion of investigation, challan



was presented in the Court for trial.

3. After perusing the challan and accompanying documents, the Trial Court found that a prima facie case under Section 408 of IPC was made out against the petitioner and he was charge-sheeted accordingly. However, the accused pleaded not guilty and claimed to be tried by the Trial Court.

4. In order to prove the charge against the petitioner, the prosecution examined 03 witnesses. SI Rajesh Kumar as PW-1, Vinod Kumar as PW-2 and complainant, Rakesh Kumar Bansal as PW-3.

5. After the closure of the prosecution evidence, the statement of petitioner was recorded under Section 313 Cr.P.C and all the incriminating evidence was put to him, to which he pleaded that he had been falsely involved in the present case. No defence evidence was led by the petitioner in his defence.

6. At the very outset, learned counsel appearing on behalf of the petitioner submits that he does not wish to challenge the impugned judgments of conviction and some leniency may be shown by this Court, while awarding the sentence to him. Even though, learned counsel for the petitioner has not challenged the judgments of conviction, still this Court has considered the case on merits.

7. In the present case, prosecution examined PW-1 S.I Raj Kumar, who was the I.O of the present case. He had recorded the statement Ex. PA of Rakesh Kumar Bansal, complainant. He had produced stock statement of 26.01.2002 before him, which was taken into possession vide memo Ex.PB. Rough site plan Ex.PC was prepared on 01.02.2002, statement of Vinod Kumar was recorded and on 09.02.2002, the accused was arrested. On 05.04.2002, the



complainant produced certificate regarding employment of accused and copy of stock register for the month of January 2002, which were taken into possession vide memo Ex.PE. On completion of the investigation, challan against the accused was prepared by SHO Surinder Pal Singh (Ex.P1) is the memo of personal search of the accused. PW-2 Vinod Kumar, Manager of Barnala Filling Station, Raikot Road, Sanghera stated that on 25.01.2002, owner of filling station had gone outside, who returned on 27.01.2002 and he disclosed the owner that the accused had neither send the statement nor sale proceeds for 26.01.2002. On 27.01.2002, he and owner went to the Filling Station, Sanghera and enquired for the accused. On pressing, the accused prepared the statement of 26.01.2002 on the spot and he had shown the sale of Rs. 4,83,381/-. On demand of money, the accused paid a sum of Rs. 40,000/- to Rakesh Bansal. He further disclosed that oil worth Rs. 1,11,015/- was sold on credit basis whereas, he had earned Rs. 3,83,381/- in cash. He further disclosed that some money was lying at his house and he went to his house to bring the money but did not return. The statement prepared by the accused is Ex.PA. It was prepared by the accused with his own handwriting and also signed by him (witness). The accused had misappropriated an amount of Rs.4,55,626/-.PW-3, Rakesh Kumar Bansal, complainant had also supported the case of the prosecution.

8. From the evidence led by the prosecution, the case under Section 408 IPC was fully proved against the petitioner for committing criminal breach of trust for an amount of Rs.4,55,626/-. Even otherwise, there is no irregularity, perversity and illegality in the impugned judgments of conviction passed by both the Courts and the same are ordered to be upheld.

9. Now, advertng to the order of quantum of sentence in the present



case, this Court cannot lose sight of the fact that the petitioner is facing the agony of trial/appeal since 29.01.2002 i.e. for the last more than 24 years and is not a previos convict. Still further, the sentence imposed on the petitioner was ordered to be suspended by this Court on 09.09.2010 and had never misused the concession of bail. Even as per the Custody Certificate, he has already undergone more than 02 months and 13 days of actual custody. Consequently, the order of sentence is modified to the extent that the sentence imposed on the petitioner is reduced to the period already undergone by him in the present case. However, the amount of fine will remain the same.

10. With the above modifications, the present revision petition is partly allowed and the impugned judgments of conviction are upheld, whereas, the sentence imposed on the petitioner is reduced to the period already undergone by him, however, the amount of fine will remain the same.

11. The petition stands disposed of.

(N.S.SHEKHAWAT)
JUDGE

06.05.2026
hitesh

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