

218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1435-2011 (O&M)
Date of Decision: 21.04.2026

Prithi Pal Singh ...Petitioner

vs.

State of Punjab ...Respondent

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

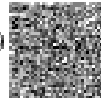
Present : Mr. Jasmail Singh Brar, Advocate,
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

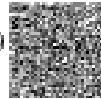
N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgment dated 27.05.2011 passed by the Court of Sessions Judge, Sri Muktsar Sahib, whereby the judgment of conviction and order of sentence dated 10.03.2010, passed by the Court of Sub-Divisional Judicial Magistrate, Gidderhaba was partly upheld, however, the quantum of sentence was modified and the petitioner was sentenced to undergo rigorous imprisonment for a period of one year under Section 420 read with Section 511 of IPC and to pay a fine of Rs.1000/- alongwith default stipulation.

2. The brief facts of the present case are that on 13.03.2000, ASI-Moura Singh received an application from Satpal Singh son of Resham Singh r/o Bedowali to the effect that complainant is resident of village Bedowali, Tehsil Gidderbaha Distt. Muktsar and is a Science Teacher in Government School, Badal. He has one son, namely Harmanjit Singh, who is married to

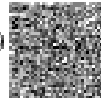


Ravinder Kaur daughter of Ajit Singh r/o Canada. On marriage basis, his son applied for Visa through embassy vide file No.B037870571. He was also interviewed by the embassy authorities for visa in month of August. On 26.02.2000, at about 3.00 PM, two persons came to his house at village Bedowali with regard to visa of his son. They inquired about Harmanjit Singh. Upon this, Jarnail Singh his cousin brother told them that complainant was on duty and asked them to wait. After some time, complainant came from duty and found that some persons were sitting in his house. One of the them disclosed his identity as P.P. Singh from Canadian Embassy, Delhi. Other person told his name as Sarwan Singh son of Dalip Singh r/o Biharipur near Railway Coach Factory, Kapurthala and further told that he is working in the office of Deputy Director PDT, Kapurthala. Both persons asked that they came with regard to visa of Harmanjit Singh. After taking tea, both persons asked complainant to arrange a sum of Rs.2 lac. Upon this, they assured that they will manage the visa within 10 days because they have good approach/ relation with embassy authorities. They further told that they used to take 7-8 lacs rupees from the other persons but as they came to this area for the first time, so they are taking less fee. Complainant believing the accused and in greed asked them to arrange visa within 10 days and also agreed to pay Rs.2 lac within 10 days. Both persons gave their contact number as 01822-324641 and Mobile No.098140-70496. In order to satisfy himself, complainant went to Delhi on 28.02.2000 and the officials of embassy told him that visa of Harmanjit Singh has already been issued on 22.02.2000 and same has been dispatched. After that accused made telephone call to the complainant many times and demanded Rs.2 lac.



They also stated that in case complainant could not come to Phagwara, he can come to Chandigarh. On 09.03.2000, complainant again made enquiry from embassy office and received the same reply. Again accused telephonically contacted the complainant but complainant showed his helpless to met because he was busy from 09.03.2000 to 11.03.2000 in middle standard examination. On 13.3.2000, at about 4:00 PM, accused P.P. Singh came to village Bedowali and induced the complainant to deliver a sum of Rs.2 lac with dishonest intention by asking that they had taken the visa by hand (Dasti). It created suspicion in the mind of complainant and he asked the accused to show the visa because the embassy authorities had already informed the complainant that the same has been sent through post at their residential address and if the same in his possession, let the same got checked from police station and post office. Upon this, accused became perplexed and started talking leisurely by saying that there is no need of police station because visa is lying in the car. On hearing police station, the other unidentified persons ran away from the spot on Maruti car but accused P.P. Singh was apprehended at the spot and produced before the police officials of Police Station Lambi for taking action. On the basis of application, case u/s 420 IPC was got registered. Accused was arrested in the present case. On 17.7.2000, accused Sarwan Singh was arrested by CIA staff. Statement of witnesses recorded u/s 161 Cr.P.C. After completion of investigation, challan was presented in the present case.

3. After presentation of challan, the trial Court found that a *prima facie* case under Section 420 of IPC was made out against the petitioner and he was charge-sheeted accordingly. He pleaded not guilty and claimed trial.



4. In order to prove its case, the prosecution examined PW-1 Satpal Singh, complainant, PW-2 Jarnail Singh, PW-3 ASI Maura Singh and thereafter, the evidence of the prosecution was closed by order.

5. After closure of the prosecution evidence, the statement of the accused under Section 313 Cr.P.C. was recorded and all the incriminating evidence was put to him. He pleaded innocence and claimed trial. No defence evidence was led by the accused.

6. At the very outset, learned counsel for the petitioner submits that he does not wish to challenge the judgments of convictions passed against the petitioner by both the Courts, however, some leniency may be shown, while awarding the sentence on him. Even though, learned counsel for the petitioner has not challenged the judgments of convictions, still this Court has examined the entire case on merits in the light of the evidence led by the prosecution.

7. Learned State counsel contended that the petitioner does not deserve any concession regarding sentence and the present revision petition be dismissed.

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

9. In the present case, the prosecution had primarily relied upon the testimonies of PW-1 Satpal Singh, complainant and PW-2 Jarnail Singh. Even both the witnesses had fully supported the case of the prosecution in the present case. Still further, the prosecution had led sufficient evidence to show that the petitioner had attempted to cheat Satpal Singh and dishonestly induced him to deliver Rs.2 lakhs in connection with Visa of Harmanjit Singh. Thus, the



prosecution has been able to prove the essential ingredients of the offence in the present case. Even otherwise, I have carefully perused the judgments of convictions passed by both the Courts and I find no infirmity, illegality or irregularity in the impugned judgments.

10. Now, adverting to the order on quantum of sentence, this Court is conscious of the fact that the FIR in the present case was registered on 13.03.2000 and the petitioner is facing agony of trial/appeal/revision for the last more than 25 years. The petitioner has already undergone 04 months of actual custody, out of total sentence of one year and is the first offender. Even the sentence imposed on the petitioner was suspended by this Court on 16.08.2011 and since then, he had maintained good conduct. This Court is of the considered opinion that a lenient view can be taken while imposing sentence on the petitioner. Thus, the sentence imposed on the petitioner is reduced to the period already undergone by him and the amount of fine imposed on him shall remain same.

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

12. Pending application, if any, also stands disposed of, accordingly.

(N.S.SHEKHAWAT)
JUDGE

21.04.2026
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No