

2026.PHHC:043641



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

217

CRR 2973 of 2010

Date of Decision: 18.03.2026

Tarsem Kumar

...Petitioner(s)

Vs.

State of Punjab and others

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Ms. Dheerja, Amicus Curiae for the petitioner.

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

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgment dated 11.10.2010 passed by the Court of Additional Sessions Judge (Adhoc), Fast Track Court, Amritsar, whereby the judgment of conviction dated 04.12.2007 passed by the Sub-Divisional Judicial Magistrate, Baba Bakala, was upheld, however, the order of sentence was modified and the petitioner was sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs. 5,000/-, along with default stipulation.

2. The brief facts of the prosecution case are that a written complaint was moved by Sukhdev Singh s/o Harbans Singh and Gurbhej

Singh @ Bheja son of Shingara Singh to the Senior Superintendent of Police, Amritsar, against Tarsem Kumar, petitioner, Ranjit Singh @ Rana and Sikander Singh @ Sonu stating therein that the complainants were having good relations with petitioner. In the month of August, 2001, petitioner told them that he has good relations with accused Ranjit Singh @ Rana and Sikander Singh @ Sonu and they are relatives and used to send persons abroad. Petitioner allured the complainants that the persons sent abroad by Ranjit Singh and Sikander Singh accused are drawing good income and all the persons sent by them were never deported back to India. If the complainants intend to go abroad, he could settle with Ranjit Singh and Sikander Singh accused. Petitioner held the meeting of the complainants with accused Ranjit Singh and Sikander Singh accused at his shop run under the name and style of Nihal Sweet Shop. The accused told the complainants that they could be sent to America for which a sum of Rs. 7 lacs each along with passport is required. The accused assured both the complainants and gave guarantee to send them to America for all intents and purposes and no loss will be accrued to them. Petitioner gave more assurance than that of other accused No.2 and 3. Thereafter both the complainants handed over Rs. 7 lacs each along with passports at the shop of petitioner in the presence of Kulbir Singh son of Bachan Singh and Sarmukh Singh son of Mohinder Singh. The license of accused was also shown to the complainants. The complainants were assured that they would be sent to America within 2 months. After the lapse of 8 months, the complainants had been approaching the accused but they had been dilly-dallying the

matter on one pretext or the other and did not send them abroad. It is further alleged that 2 days prior to the filing of the complaint, the complainants came to know that accused Ranjit Singh and Sikander Singh came to the shop of petitioner whereupon the complainants went to the shop of petitioner and asked the accused to return their money and passports, but the accused refused and told the complainants to do whatever they wish to do and also threatened the complainants that if they again came to get their money back, they will be eliminated. On the basis of the said complaint, the present FIR was registered, investigated and petitioner was arrested and *challaned* while the other accused could not be arrested and were declared proclaimed offenders.

3. After the presentation of *challan*, the trial Court found that a *prima-facie* case under Sections 420 and 506 of IPC is made out against the present petitioner, and he was chargesheeted accordingly. He pleaded not guilty and claimed trial.

4. In order to prove the case, the prosecution examined 15 witnesses, namely, PW1 Sukhdev Singh, PW2 Gurbhej Singh (both the complainants), PW3 Inspector Jaswant Singh, PW4 Nirmaljit Singh, PW5 Kulbir Singh, PW6 Balkar Singh, PW7 Sarmukh Singh, PW8 Avtar Singh, PW9 Sukhwinder Singh, PW10 Baldev Singh, PW11 Sampuran Singh, PW12 Bir Singh, PW13 Balkar Singh, PW14 Daljit Singh and PW15 HC Harjit Singh and, thereafter, the prosecution evidence was closed by order.

5. After closure of the prosecution evidence, the statement of the petitioner was recorded under Section 313 Cr.P.C, and all the

incriminating evidence was put to him. However, the petitioner pleaded his false implication and claimed trial. No evidence was led in defence.

6. During the course of arguments, learned counsel for the petitioner submits that she does not wish to challenge the judgement of conviction, however, some leniency may be shown while awarding the sentence to the petitioner.

7. Even though learned counsel for the petitioner does not wish to challenge the conviction, however, this Court has considered the case on merits.

8. From a bare perusal of the evidence led by the prosecution, it is apparent that PW1 Sukhdev Singh had categorically stated that he and Gurbhej Singh had handed over Rs. 7 lakhs each to the petitioners as well as Ranjit Singh and Sikandar Singh. The testimony of PW-1 Sukhdev Singh has been corroborated by PW-2 Gurbhej Singh. Still further, Kulbir Singh PW-5 also admitted that Gurbhej Singh and Sukhdev Singh had given Rs.7 lakh each to the petitioner in his presence. Similarly, PW-5 Kulbir Singh also deposed that Rs.7 lakh were given to the petitioner in his presence by Gurbhej Singh and Rs.7 lakh were also given by Sukhdev Singh in his presence to the petitioner. Still further, it is also proved that passports and other relevant documents were also handed over to the accused, however, they were never sent abroad and in this manner the petitioner had dishonestly induced them to deliver an amount of Rs. 14 lakh and he had cheated them. 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 judgment.

9. Now adverting to the order of sentence, this Court cannot lose sight of the fact that the prisoner is facing prosecution since the year 2002, i.e., for the last more than 23 years. Apart from that, the petitioner is a first time offender and is not involved in any other crime. Even, the sentence imposed on the petitioner was suspended by this Court on 04.02.2011 and, since then, for the last 15 years, he has maintained good conduct in the society. Still further, the petitioner has also undergone more than six months of actual custody out of one year and no purpose will be served by sending him behind the bars again. Consequently, keeping in view the aforesaid mitigating factors, the sentence imposed on the petitioner is reduced to the period already undergone by him.

10. With the above modifications, the revision is partly allowed and impugned judgment dated 11.10.2010 passed by the Court of Additional Sessions Judge (Adhoc), Fast Track Court, Amritsar, whereby the judgment of conviction dated 04.12.2007 is upheld, whereas the order of sentence is modified to the extent that the sentence imposed on the present petitioner is reduced to the period already undergone by him. The sentence of fine will remain the same.

11. This Court places on record a note of appreciation for Ms. Dheerja, Amicus Curiae, who had assisted the Court properly on behalf of the petitioner and the counsel's fees is assessed to be Rs.20,000/-. The aforesaid fee shall be paid by the Secretary, High Court Legal Services Committee.

12. All pending applications, if any, are disposed off, accordingly.
13. The case property, if any, may be dealt with as per the rules after expiry of period of limitation for filing the appeal.

18.03.2026
amit rana

(N.S.SHEKHAWAT)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No