



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CRR No.1941 of 2011 (O&M)
Date of Decision :23.01.2026

Tara Singh

.....Petitioner

Versus

State of Punjab and another

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present : Mr. R.S.Sidhu, Advocate for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

A trial conducted by the learned Sub Divisional Judicial Magistrate, Malerkotla, hereinafter being referred to as ‘trial Court’ for the commission of offence punishable under Section 420 IPC, arising out of FIR No.43 dated 12.04.2008, Police Station Sadar Malerkotla culminated into a judgment of conviction against the petitioner.

2. Once the petitioner was convicted by virtue of order dated 26.08.2010 following sentence was awarded to the petitioner:-

Offence	Imprisonment	Fine	In default of payment of fine
420 IPC	Simple imprisonment for 1 year	Rs.2,000/	To further undergo rigorous imprisonment for 15 days.

3. Aggrieved of the above mentioned judgment of conviction and order of sentence the petitioner preferred an appeal in the Court of Sessions, but the appeal preferred by the petitioner did not find favour in the Court of



Sessions, and the same was dismissed by the learned Sessions Judge, Sangrur, by virtue of order dated 11.08.2011, hereinafter being referred as 'Appellate Court'.

4. In nut-shell, the facts emerging from record are that the above mentioned FIR was lodged at the instance of 'Piara Singh', hereinafter being referred to as 'complainant'. The pith and substance of the allegations contained in the FIR are that for sending the son of complainant, namely Gurpreet Singh to Kuwait Rs.1,41,000/- on various dates as per details given in the complaint, was paid by the complainant to the petitioner. The petitioner had offered to send complainant's son 'Gurpreet Singh' to Kuwait through official channel. Money was received by the petitioner on the pretext of arranging visa on one occasion, air tickets on the other occasion and so on. However, neither the petitioner sent 'Gurpreet Singh' to Kuwait nor returned the money to the complainant and kept on delaying on one pretext or the other. Ultimately, he refused to return the amount and thus, subjected the petitioner to cheating.

5. Once the FIR was lodged the requisite formalities with regard to investigation of this case were completed by the police. During the course of investigation the evidence indicting the involvement of petitioner in the commission, of offence was collected by the Investigating Officer and once the investigation was complete the final report under Section 173 Cr.P.C. was filed which led to trial and ultimately the conviction of petitioner.

6. To prove its case the prosecution had examined 'Piara Singh' (complainant) as PW1. He repeated the entire case of the prosecution on solemn affirmation, and also proved the original application moved to 'Sh.



Balwant Singh Ramuwalia' dated 21.2.2008 as Ex. P-1, his statement recorded by the police as Ex.P-2, attested photocopy of Passport of his son as Ex. P-3, arrest cum intimation memo of accused 'Dalbara Singh' as Ex.P-5 and personal search memo of accused 'Dalbara Singh' as Ex. P-4.

7. PW-2 Hansa Singh son of 'Pakhar Singh', resident of Dhadewari, claimed that he knew 'Piara Singh'. As per PW-2 on 25.7.2005, he was called by 'Piara Singh' at his home and an amount of Rs. 25,000/- was handed over to 'Tara Singh' by him in his presence. According to PW-2 lateron 'Piara Singh' again gave Rs. 30,000/- in cash to 'Tara Singh' in his presence and that he came to know that 'Tara Singh' paid some money to 'Dalbara Singh' whose son was residing abroad through whom son of the complainant was to be sent abroad. The PW-2 also testified that 'Tara Singh' never sent the son of complainant abroad nor returned his money and that during the inquiry of abovesaid application, his statement Ex P5 was recorded by the police. The PW-2 had identified the accused in the Court.

8. PW-3 'Mandeep Singh' son of 'Nagar Singh' had deposed that in the year 2006, 'Piara Singh' visited his home and told that his son 'Gurpreet Singh' was being sent to Kuwait through 'Tara Singh' and that he was in need of money. As PW-3 'Piara Singh', had mortgaged his 1 ½ tolas of gold ornaments and in lieu of that 'Piara Singh' had taken Rs. 12,000/- from him. According to PW-3 'Piara Singh' had handed over Rs. 12,000/- to 'Tara Singh' at the shop of 'Harbans Singh' in their presence, on the pretext of sending his son to abroad. In his deposition the PW-3 had proved his statement recorded by the police as Ex. PW3/A and identified his signatures on the same.



9. PW4, 'Chamkaur Singh' claimed that he had advanced a sum of Rs. 55,000/- to 'Piara Singh' after withdrawing Rs. 75,000/- from bank and in lieu of that, 'Piara Singh' had executed a pronote in his favour. He had further deposed that 'Piara Singh' had returned the abovesaid amount after 13 months and the pronote was destroyed on return of money. The PW-4 also proved the certified copy of his Passbook as EX. PW4/A and identified his signature on his statement Ex.PW4/A made to the police.

10. PW 5 'Jaswinder Singh' son of 'Surjit Singh' had deposed that 'Piara Singh' was his uncle and that he had given a sum of Rs.45,000/- to his uncle 'Piara Singh' after withdrawing the same from his bank account. As per PW-5 on 13.10.2005 at his home 'Tara Singh' accused had taken a sum of Rs. 17,000/-from 'Piara Singh' in his presence.

11. PW-6 'Balwant Singh' son of 'Maghar Singh' has testified that he knew Piara Singh and that on 05.10.2006, 'Piara Singh' had handed over Rs. 12,000/- to 'Tara Singh' and that at that time 'Gurpreet Singh' son of complainant 'Piara Singh' was also present, who had handed the money to his father 'Piara Singh' for handing over the same to 'Tara Singh'.

12. PW7 HC 'Sinder Singh' had deposed that he was member of the police party headed by 'SI Parminder Singh' and comprising of 'Piara Singh', which arrested the accused 'Dalbara Singh' from Railway Phatak, Maana. He further deposed that on 22.5.2008, as per the directions of Hon'ble High Court, accused 'Tara Singh' was produced by 'Rachhpal Singh', Ex- Sarpanch of village Manmajra before 'SI Parminder Singh'. He had claimed that he was also witness to the arrest memo and personal search memo. The PW-7 had proved the arrest memo and personal search memos of accused 'Dalbara



Singh' as Ex. P-5, Ex. P-4 and arrest memo and personal search memo of accused Tara Singh as Ex. P7/B and Ex. PW7/A, respectively.

13. PW-8 'Kulwant Singh' son of 'Maghar Singh' had deposed that about 3 ½ years back, he had gone to the house of 'Piara Singh' to fetch wheat chaff (Toori) and that on that day 'Tara Singh' in his presence had received Rs. 45,000/- from 'Piara Singh' for sending his son to Kuwait. The PW-8 had identified the accused, who was present in the Court.

14. PW-9 'SI Parminder Singh', who conducted investigation of present case had claimed that the FIR pertaining to this case, Ex. PW-9/A, was registered on the directions of SSP, Sangrur. The PW-9, too, had proved the arrest memo and personal search memo of accused 'Dalbara Singh' Ex. P-5, as Ex. P-4, respectively, arrest memo and personal search memo of accused Tara Singh as Ex.P7/B Ex.PW7/A, respectively.

15. PW-10 'SI Om Parkash' claimed that in February 2008, he was posted as Incharge, E.O. Wing, Sangrur and that on that day he had received an application Ex.P1 from DSP (D), Sangrur, for investigation. He further claimed that he had investigated the matter after summoning 'Piara Singh', 'Hansa Singh', 'Mandeep Singh', 'Chamkaur Singh', accused 'Dalbara Singh', accused T'ara Singh', 'Kulwant Singh', 'Jaswinder Singh', 'Balwant Singh' and recorded their statements, as Ex. P-2, Ex. P-5, Ex.PW3/A, EX.PW4/A, Ex. PW10/A, Ex. PW10/B, Ex. PW10/C and Ex. PW6/A, respectively, As per PW10 he had prepared the inquiry report Ex.PW10/E.

16. The present revision petition has been preferred by the petitioner on the ground that the learned trial Court vis-a-vis the learned Appellate Court have committed an error of judgments, when both the above mentioned Courts



failed to appreciate the fact that the allegations levelled against the petitioner were unnatural, unfounded and not proved in accordance with law. According to petitioner, merely on the basis of conjectures and surmises the unreliable, inconsistent and contradictory evidence adduced by the prosecution has been believed by the learned trial Court, vis-a-vis by the learned Appellate Court, and that, in fact, there is no iota of evidence indicating the involvement of petitioner in the commission of crime. According to petitioner, a grave injustice has been caused to the petitioner when the learned trial Court believed the unreliable evidence adduced by the prosecution. Hence the present petition.

17. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record.

18. Heard.

19. It has been contended by learned counsel for the petitioner that the petitioner is a 75 years old age person, who is already facing agony of present trial for the last 17 years (approximately). According to learned counsel for the petitioner, at this advance age after being grilled by the judicial system for a period of 17 years, the petitioner is not inclined to contest the judgment of conviction on merit, and that the only plea being raised by the petitioner in this revision petition is that he should be awarded punishment to the extent of imprisonment which he has already undergone in the present case. According to learned counsel for the petitioner, the custody certificate of the petitioner has been placed on record by the respondent-State, wherein it is recorded that the petitioner has already served imprisonment for a period of 5 months and 20 days. The learned counsel for the petitioner has urged that in view of old



age of the petitioner and prolonged litigation the petitioner should be sentenced to undergo imprisonment for the period he has already undergone.

20. In support of his arguments learned counsel for the petitioner has relied upon the decision of this Court in the cases of 'Harjinder Singh Vs. State of Punjab, CRR No.1170 of 2012', decided on 13.11.2025, 'Gurdarshan Singh Vs. State of Punjab, CRR-215-2010' decided on 12.11.2025 and 'Joginder Pal and another Vs. State of Punjab, CRR-1608-2012' decided on 21.11.2025.

21. The above mentioned arguments have been controverted by learned State counsel. It has been contended by learned State counsel that allegations against the petitioner are for the commission of serious nature of offence and that the maximum punishment prescribed for the offence committed by the petitioner is imprisonment upto 7 years. According to learned State counsel already the sentence awarded to the petitioner is on lower side and that in view of nature of offence committed by the petitioner and gravity thereof, the petitioner is liable to undergo imprisonment which has been awarded to him by the learned Appellate Court. As per learned State counsel in the present case already the sentence awarded to the petitioner, i.e. imprisonment for one year imprisonment is on lower side and grossly inadequate.

22. The record has been perused carefully.

23. At the very outset, it is pertinent to mention here that in the present case, the learned counsel for the petitioner has not pressed this petition with regard to merits of the case. Since challenge with regard to judgment of conviction has not been raised in the present petition, and otherwise the contents of the record shows that by proper appreciation of facts as well as



evidence a right conclusion has been drawn by the learned trial Court, as well as Appellate Court it is hereby held that there is no scope for indulgence and interference in the findings of conviction recorded by the learned trial Court and duly approved by the learned Appellate Court. Hence, in my considered opinion the present petition with regard to judgment of conviction has got no merit and deserves dismissal. Thus, qua the judgment of conviction the present revision petition is hereby dismissed.

24. As far as the challenge to the quantum of sentence is concerned, at the very outset, it is pertinent to mention that similar question has been dealt with by this Court in the case of Harjinder Singh (supra). In the above mentioned case this court while dealing with a case pertaining to an offence under Sections 420 and 406 IPC, wherein the sentence of two years was awarded to the accused, sentenced the petitioner/accused to undergo imprisonment for a period of 5 months and 1 day only.

25. Similarly in the case of 'Gurdarshan Singh (supra)', for the commission of offence punishable under Section 420 IPC, sentence to undergo imprisonment for a period of 3 years was awarded to the petitioner by the learned trial Court, but while considering the time consumed in the litigation and the age of petitioner he was ordered to undergo imprisonment for the period he has already undergone i.e. 13 months.

26. Similar situation has been dealt with by this Court in the case of Joginder Pal and another (supra), wherein for the commission of offence punishable under Sections 420, 465, 471, 467, 468 and 120-B of IPC the sentence of 2 years was awarded to a 75 years old petitioner and his sentence was reduced to 20 months, which he had already undergone.



27. Taking into consideration the fact that the instant case is squarely covered by the observations made by this Court in the cases of Harjinder Singh, Gurdarshan Singh and Joginder Pal (supra) and also taking into consideration the fact that the petitioner is a 75 years old person, who is facing the agony of protracted trial for the last more than 17 years, it is hereby held that the ends of justice would be better served if the sentence awarded to the petitioner is modified and the petitioner is sentenced to undergo imprisonment for the period he has already undergone, i.e. 5 months and 20 days.

28. In view of above, the present revision petition is hereby partly allowed. It is hereby held that with regard to the judgment of conviction the revision petition stands dismissed. However, with regard to challenge to the order on quantum of sentence the same stands allowed, and thus, by modifying the order on the point of quantum of sentence the petitioner is ordered to undergo imprisonment for the period he has already undergone. The sentence with regard to payment of fine shall remain unchanged.

29. Pending miscellaneous application(s), if any, also stands disposed of.

(SURYA PARTAP SINGH)
JUDGE

23.01.2026
Manoj Bhutani

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