



229 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-3272-2011(O&M)
Date of Decision: 12.03.2026

Bittu Singh ...Petitioner
vs.
State of Punjab ...Respondent

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

Present : Mr. Surinder Garg, Advocate
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 12.12.2011 passed by the Additional Sessions Judge, Sri Muktsar Sahib and the judgment of conviction and order of sentence dated 02.08.2010 passed by the Court of Judicial Magistrate 1st Class, Malout, whereby the petitioner was convicted for commission of the offence punishable under Section 411 of IPC and was sentenced to undergo rigorous imprisonment for a period of one year and six months. In appeal, the petitioner was sentenced to undergo rigorous imprisonment for six months for the offence punishable under Section 411 of IPC instead of one year and six months, as awarded by the trial Court.

2. The brief facts of the present case are that the present case was registered by the police, on the statement of Naresh Kumar complainant in which he has stated that he is resident of Village Doda and is running a Karyana Shop situated at Kauni Road and is keeping his residence in the village. He goes to his house after closing his shop at 8.00 PM and open the shop in the



morning at about 6.30 AM daily. As usual yesterday also at 8.00 P.M. after closing his shop, he went to his house and today in the morning at about 6.30 AM, when he opened his shop and entered into the same, he found that the six/seven tiles of the one column of the roof of his shop were removed and also found that one C.D. of the value of Rs.2,500/- and coins of Rs.1,400/- and Karyana goods of the value of about Rs.20,000/- missing and were stolen by some unknown persons during the night hours. He reported about this theft to Sarpanch Jabarjang Singh of the village Doda. On the basis of said statement the instant case was registered. The place of occurrence was visited. The law of investigation was set into motion. Subash Chander son of Harpal Chand Arora resident of Doda also came at the spot and got recorded his statement to the effect that he is resident of above said address and runs a Maniari shop and every day after closing his shop goes to his house. On the intervening night of 14/15.3.2004 after closing his shop, he went to his house and when in the morning he came, he found that the electric light of the store was on and the backside gate was lying open and four packet of Ghee Marka Maharani of the quantity of half Kilograms each, four packet of the quantity of half kilograms each of tea leaves Marka Neel Kamal, Four piece of tooth paste, four bottles of Vicky Amlan Oil of 80/80 Ml each, one Dibba of Powder weighing about 100 grams, two pairs of Chapals, coins of Rs.215/- were found stolen by some unknown person. Then Sukhdev Singh son of Jeet Singh, Bajigarh resident of Bathinda Road Bye Pass, Muktsar got his statement recorded that he runs a shop of VCR at village Doda and on the intervening night of 14/15.3.2004 some unknown persons committed theft of one C.D. Player Marka Pugaria and 70 Cassettles by broke opening the roof of his shop. In the end Parash Singh and



Kaka got his statement recorded that as usual on 14.3.2004 after closing his shop he went to his house and in the morning he came and found that one Television Marka BPL of small size, Speaker Marka Tonny Tone, one deck Marka M-Tex-MX 371 were missing and have been stolen by some unknown person. As all the occurrence had occurred in one night so investigation of all the said cases were conducted in this case. Dog squad was called from Ferozepur but nothing was traced out. Thereafter the remaining investigation of the case was conducted by ASI Balvir Singh. On 21.3.2004 ASI Balvir Singh along with the police party on the Chand Bhan Drain in the area of village Kauni was holding Nakabandi, where in the night hours three suspected persons were arrested. One fertilizer bag containing one CD Player, Marka Askaran and five cassettes were recovered and from the packets of his trousers 40 coins of the denomination of rupee two and 18 coins of the denominational rupee two were recovered and from accused Bittu Singh 70 CDs/Cassettes contained in a bag and 17 coins of the denomination of rupee two and five coins of the denomination of rupee two from the pocket of his shirt were recovered. The above said recovered articles were taken into police possession vide separate recovery memos. The accused were arrested. The complainant and the other witnesses were joined in the police party. As per their disclosure statements made by the accused, the stolen articles were got recovered from them and the same were got identified and thereafter the recovered articles were taken into police possession vide separate recovery memos.

3. After completion of investigation, challan was presented before the Area Magistrate by the police. During trial, the trial Court held that a *prima*



facie case under Sections 457/380 of IPC was made out against the petitioner, to which, he pleaded not guilty and claimed trial.

4. During the course of trial, the prosecution examined PW-1 HC Paramjit Singh, PW-2 Naresh Kumar, complainant, PW-3 Subhash Chander, recovery witness, PW-4 Swaran Singh, PW-5 HC Jaswant Singh, PW-6 Makhan Singh, PW-7 Sukhdev Singh and PW-8 ASI Balbir Singh and thereafter, the evidence was closed.

5. After closure of evidence of the prosecution, the statement of the petitioner was recorded under Section 313 Cr.P.C. and the entire incriminating circumstances were put to him. However, he pleaded his false implication and claimed to be tried. No witness was examined by the petitioner in his defence.

6. At the very outset, learned counsel for the petitioner submits that he does not wish to challenge the judgment of conviction 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 judgment of conviction, still this Court has considered the case on merits.

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. To prove its case, the prosecution had examined PW-1 HC Paramjit Singh, who proved the recovery memo with regard to the recovery effected from Balwinder Singh, accused, in this regard as he was also part of the



investigation. Further, PW-2, Naresh Kumar, complainant reiterated his complaint (Exhibit PC), which was submitted to the police. Even the recovery memo of the stolen articles was prepared and proved on record as Exhibit PD. Apart from that, PW-3, Subhash Chander, PW-8, Parkash Singh and PW-7, Sukhdev Singh had also supported the case of the prosecution. Apart from that, the prosecution had examined PW-4 Sawaran Singh, before whom the accused had made an extra judicial confession. Still further, from the statements of all the prosecution witnesses, it was clear that the petitioner was rightly convicted for commission of the offence under Section 411 IPC.

10. Now, advertent to the order of sentence, this Court is conscious of the fact that the FIR in the present case was registered on 15.03.2004 and the petitioner is facing the agony of trial/appeal/revision, since last more than 22 years. Even otherwise, the sentence imposed on the petitioner was six months and the same is ordered to be reduced to the period already undergone by him. However, the amount of fine imposed on him shall remain same.

11. With the above modifications, the present revision petition is partly allowed and the judgment of conviction is upheld, whereas, 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.

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

(N.S.SHEKHAWAT)
JUDGE

12.03.2026
hemlata

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