

2026.PHHC.041096



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

243

CRR 1579 of 2012

Date of Decision: 16.03.2026

Gurdev Singh

...Petitioner(s)

Vs.

State of Punjab

...Respondent(s)

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

Present : Mr. Gurmeet Singh Saini, 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 judgement dated 30.04.2012 passed by the Court of Additional Sessions Judge, Ferozepur and the impugned judgment and order dated 18.05.2010 passed by the Judicial Magistrate 1st Class, Abohar, whereby, the petitioner was ordered to be convicted for the commission of the offence punishable under Section 420 IPC, and he was sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.1000/-, alongwith default stipulation.

2. The brief facts of the present case are that an application was moved by Sohan Lal son of Shagan Lal complainant to the SDM Abohar for taking action against the Gurdev Singh son of Shri Arjan Singh and Binder Kaur Sarpanch and Thana Singh Panch of Village Banewala, Tehsil Abohar. The application was moved to the effect that Gurdev Singh Son of Arjan Singh resident of Sanewal Satkosi Tehsil Abohar had moved an application No. 146 dated 04.06.2001 to the

concerned office for getting grant under the Shagun Scheme for marriage of his daughter. He (Gurdev Singh) in connivance with the above remaining two persons concealed his income and stated that his yearly income is less than Rs. 16,000/- and tried to cheat the government and got cheque No. 349117 of Rs. 5100/- whereas Gurdev Singh is getting two pension one from military and second from the water works department being retired from two departments. He is getting more than Rs. 4000/-per month. It is prayed that action may be taken against these three accused as they have tried to cheat the government and they be punished. SDM wrote a letter to ASP for lodging case against the accused. The report of Tehsildar and concerned papers were seen by him and he was in agreement with the report of Tehsildar that Gurdev Singh son of Arjan Singh and Binder Kaur Sarpanch had tried to conceal the true facts and tried to cheat the government. The ASP directed for registration of FIR. On 11.01.2003, FIR was lodged. Investigation was conducted. On 12.01.2003 statement of complainant Sohan Lal was recorded. On 15.01.2003 statement of Bhupinder Singh, Clerk Office of SDM was recorded. An application was moved by accused Binder Kaur to SP, SCT Cell Crime, Punjab wherein accused Binder Kaur was found guilty. On 24.01.2003, Ld. Sessions Judge, Ferozepur granted interim bail to accused Gurdev Singh. He was associated in the investigation. On 22.05.2003 accused Binder Kaur Sarpanch was granted bail by this Hon'ble Court vide order dated 22.09.2003. She was associated in the investigation and released on bail. On 30.09.2003 statement of Iqbal Singh Tehsildar was recorded and statement of Niranjana Kaur was

recorded. Copy of report of Shagun Scheme was obtained. After completion of necessary investigation challan was presented before the Court.

3. After taking into consideration the *challan* and the accompanying documents, the trial Court found that a *prima facie* case under Sections 420, 467, 468, and 471 IPC was made out against the present petitioner, and he was ordered to be charge-sheeted accordingly. The petitioner pleaded not guilty and claimed trial.

4. During the trial, the prosecution examined 11 witnesses to prove its case against the present petitioner. The prosecution examined PW-1 Jaskiran Singh SDM, PW 2 Bhupinder Singh, PW-3 Sohan Lal, PW-4 Mangat Ram Chahal, Stamp Vendor, PW-5 ASI Hari Chand, PW-6 Roshan Lal Jr. Asstt. Treasury Office, Abohar, PW-7 Birbal Sachdeva Manager SBI, PW-8 SI Darshan Singh, PW-9 Ramesh Chander Wadhawa, Notary Public, PW-10 R.K. Chhabra, Special Assistant State Bank of Bikaner and Jaipur and PW-11 ASI Surinder Singh.

5. After closure of the prosecution evidence, the entire incriminating evidence then was put to the petitioner in the shape of his statement under Section 313 Cr.P.C.. However, the petitioner pleaded his false implication. In defence, the petitioner did not produce any evidence and closed the defence evidence.

6. During the course of arguments, learned counsel for the petitioner submits that he 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. In the present case, both the Courts had held that the petitioner had committed the offence under Section 420 of IPC and had cheated the State exchequer to the extent of Rs. 5100/- under the Shagun scheme on the marriage of his daughter by falsely representing that his income was less than Rs.16,000/- per annum, whereas he was drawing a pension amount of Rs. 4,000/- per month and was ineligible under the scheme. In the present case, the original report was produced before the Court by PW2 Bhupinder Singh and he exhibited the original report before the Court. Even the defence had raised no objection to the documents exhibited by him. Still further, the prosecution also examined PW1 Jaskiran Singh SDM, who had sent a communication to the DSP for registration of the FIR. The prosecution further examined PW3 Sohan Lal complainant, who clearly stated that the petitioner had wrongly mentioned the fact that he was earning less than Rs.16,000/- per year. PW6 Roshan Lal, Junior Assistant, Treasury Office, Abohar and PW7 Birbal, Sachdeva, brought the statements of account of the petitioner. PW9 Ramesh Chander Wadhawa proved the attestation of the affidavit, wherein, Gurdev Singh petitioner has stated that his yearly income was less than Rs.16,000/-. Apart from that, PW10, R.K. Chhabra, Special Assistant, was examined, who stated that the petitioner was getting Rs. 2063/- military pension. Thus, the prosecution had been successful in proving the fact that the petitioner was getting more than

Rs. 4,000/- as pension per month and he had obtained the benefit of Shagan scheme and cheated the government to the tune of Rs. 5,100/- by showing that he was earning less than Rs. 16,000/- per annum. Thus, both the Courts had rightly convicted the petitioner under Section 420 IPC.

9. Now, adverting to the quantum of sentence, it is apparent from the record that the petitioner is at present aged about 91 years. Further, he is facing the agony of investigation, trial and appeal since 11.01.2003, i.e., for the last more than 23 years. Apart from that, out of total sentence of one year, he has already undergone the actual custody of more than one month. Thus, keeping in view the aforesaid mitigating circumstances, 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 the impugned judgement dated 30.04.2012 passed by the Court of Additional Sessions Judge, Ferozepur and the impugned judgment and order dated 18.05.2010 passed by the Judicial Magistrate 1st Class, Abohar, are 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. All pending applications, if any, are disposed off, accordingly.

16.03.2026
amit rana

(N.S.SHEKHAWAT)
JUDGE

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