



210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-357-2012 (O&M)
Date of Decision:10.04.2026

Hardev Singh ...Petitioner

Vs.

State of Punjab ...Respondent

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

Present: Mr. Harjit Singh Bedi, Advocate
for the petitioner.

Mr.Jaspal Singh Pannu, Advocate as Amicus Curiae
for the petitioner.

Mr. M.S Bajwa, DAG, Punjab.

N.S.Shekhawat J.

1. The petitioner has filed the present revision petition against the impugned judgment dated 31.01.2012 passed by the Court of Additional Sessions Judge, Faridkot, whereby, the appeal filed by the petitioner was ordered to be dismissed and the impugned judgment of conviction and order of sentence dated 10.11.2010, passed by the Court of Chief Judicial Magistrate, Faridkot, whereby the petitioner was ordered to be convicted for the offence punishable under Section 471 of IPC and was sentenced as under:-

Under Section 471 of IPC	R.I for a period of one year and to pay a fine of Rs.2000/-. In default of payment of fine, he shall undergo further R.I for a period of one month.
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2. The Brief facts of the prosecution case are that Co-operative Society Chand Bhan passed resolution dated 23.11.2000 and sent its copy to Assistant Registrar Cooperative Societies, Faridkot through inspector



Cooperative Societies, Rameana, wherein, it was resolved that meeting of society was held on 23.11.2000, under the chairmanship of Gurmail Singh President and the proceedings of meeting shall be recorded by Surinder Singh Secretary of Society. Secondly, Hardev Singh son of Gurdit Singh, resident of Gumti Khurd, Ex-secretary of society embezzled several amounts of society for his personal use. Gurnam Singh son of Bachan Singh deposited Rs.20,020/- as principal amount and Rs.12,192/- as interest in his account No.99 of Cooperative Bank, Faridkot, Branch Jaitu on 15.05.1999, but Hardev Singh Ex-secretary entered principal amount of Rs.20,020/- and interest of Rs.4180/- only at page No.24 of cashbook. He showed remaining interest amount of Rs.8,012/- as recovery from Balhar Singh son of Gurdwar Singh having account No.387, principal amount of Rs.6000/- and interest amount of Rs.635/- and Gurdit Singh son of Kalu Singh having account No.302 principal amount of Rs.1260/- and interest amount of Rs.205/-. In this way, he used the recovery effected from these members for his personal use and embezzled an amount of Rs.16,024/-. It is further alleged that on 02.11.1999, he effected recoveries from different members of society and prepared Annexure of Rs.1,46,382/- fraudulently. He made an entry of recovery of Rs.20,000/- from his son Dalbir Singh and in this way, total of annexure was Rs.1,66,382/-, but he deposited Rs.1,46,382/- in the account of Co-operative Society. As such he wrongly shown an amount of Rs.20,000/- of his son and thereby cheated the bank. Dalbir Singh did not deposit the recovered amount in Co-operative Bank, rather he took further advance. In the same manner, Hardev Singh Ex-secretary showed recovery dated 17.11.1999 in his name in account No.169 principal amount to Rs.29,435/- and account No.393 of his son Dalbir Singh amounting



to Rs.10,065/- i.e. total Rs.39,500/-. In this way he made forged entry in the rokar, but he did not deposit this amount in cooperative bank account and embezzled the same. Further he showed a balance of Rs.122.99 paise in cash book which was actually Rs.27,597-87 paise. Thereby he used this amount of society for his personal use and embezzled the same. On 02.11.1999, he furnished annexure for Rs.1,46,382/- and embezzled Rs.20,000/- as stated above. In cash book dated 02.06.1999 he pasted page No.98 of some other cashbook and changed the page No.98 to 24. Page No.38 of cashbook dated 12.06.1999 was tone. However, page No.37 and 39 are therein the cashbook. Similarly page No.4 of cashbook dated 29.11.1999 was removed and page No.4 of some other cashbook was pasted therein. Page No.5 of cashbook dated 13.11.1999 was missing and there is page No.6 after page No.4, which has been renumbered as page No.6A. It also belongs to some other cash book. Thereafter, page No.5 and 6 are therein the cashbook. In this way page No.4 and 6A have been pasted from some other cash book and thereby Hardev Singh Ex-secretary made efforts to conceal embezzlement made by him. He received Rs.16,024/- from different members of society and showed less deposit of Rs.20,000/- in said annexure. He did not deposit Rs.39,500/- in cooperative bank and showed less cash to the tune of Rs.7597-86 paise. Thereby, he embezzled total amount of Rs.83,121.86 paise. Therefore, request was made to Assistant Registrar Cooperative Societies, Faridkot, for getting a case registered against the accused by taking up the matter with SSP, Faridkot. Abovesaid resolution was signed by Gurmail Singh President, Baldev Singh, Vice President as well Bhupinder Singh, Amrik Singh, Rajinder Singh and Sadhu Singh committee Members. Sohan Lal Inspector Cooperative Societies,



Rameana forwarded said resolution to the Assistant Registrar, Cooperative Societies, Faridkot, who further sent it to SSP, Faridkot for taking action against accused Hardev Singh Ex-secretary for embezzlement of Rs.83,121.86 paise. of the society, thereupon the DSP, Kotkapura got the matter enquired from SHO, P.S. Jaitu. On the basis of enquiry report of DSP, Kotkapura, formal FIR was registered. Investigation of the case was got conducted by ASI Harpreet Singh. He took the relevant record from Central Cooperative Bank, Faridkot, Branch Jaitu as well as society, in police possession, recorded the statements of witnesses during investigation and it was found that accused embezzled the amount of Rs.72,600/- belonging to society and also changed pages of cashbook. Accused was arrested on 11.03.2002 and after completion of necessary formalities and investigation, challan against accused Hardev Singh presented in the Court on 27-2-2003.

3. After perusing the challan and accompanying documents, the Trial Court found that a prima facie case under Sections 402,408, 471 of IPC was made out against the petitioner and he was charge-sheeted accordingly. However, the accused pleaded not guilty and claimed to be tried by the Trial Court.

4. In order to prove the charge against the petitioner, the prosecution examined PW-1 Harnek Singh, PW-2 Balihar Singh, PW-2-A Gurdial Singh, PW-3 Surinder Singh, Secretary of the society, PW-4 Bhupinder Singh Member of Society, PW-5 Gurmail Singh, Member of Society, PW-6 ASI Pawan Kumar, PW-6-A Darshan Singh, SHO and PW-7 Gursharan Singh, Senior Manager, Co-operative Bank.

5. After the closure of the prosecution evidence, the statement of



petitioner was recorded under Section 313 Cr.P.C and all the incriminating evidence was put to him, to which he pleaded that he had been falsely involved in the present case. No defence evidence was led by the petitioner in his defence.

6. At the very outset, learned counsel appearing on behalf of the petitioner submits that he does not wish to challenge the impugned judgment of conviction and some leniency may be shown by this Court, while awarding the sentence to 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. In the present case, Harnek Singh was examined as PW-1, who reiterated the allegations levelled by the prosecution in the complaint itself. PW-2 Balhar Singh and PW-2-A Gurdial Singh did not support the case of the prosecution and were declared hostile. The prosecution further examined Surinder Singh, Secretary, who also supported the case of the prosecution. PW-4 Bhupinder Singh, Member of the Co-operative Society and identify his signatures on the resolution Ex.PB, whereby, the service of Hardev Singh was terminated. PW-5 Gurmail Singh also stated that society passed a resolution, whereby, the service of Hardev Singh was terminated. However, he also partly turned hostile. PW-6 ASI Pawan Kumar proved recovery memo Ex.PW-6/A vide which three passbooks were taken into possession from Surinder Singh, Secretary. PW-6/A Darshan Singh, SHO proved the application Ex.PA, whereby, the S.S.P passed orders for conducting enquiry and proved the enquiry report Ex.PC/1, on the basis of which FIR Ex.PD/1 was recorded. PW-7 Gursharan Singh, Manager, Co-operative bank also supported the case of the



prosecution.

8. Thus, from the statements of PW-3 Surinder Singh, Secretary and PW-7 Gursharan Singh, it was apparent that the petitioner had used forged documents as genuine. He had deposited an amount of Rs.1,62,820/- with Co-operative Bank vide payee slip Ex.PE/1. However, he filled Annexure-E, Ex.PF/1, in which he showed deposit of Rs.20,000/- by his son Dalbir Singh in the account No.393, whereas, this amount was not deposited by Dalbir Singh. Not only this, as per the payee slip, the amount deposited was Rs.1,62,820/-, whereas, as per the entries of passbooks and Annexure P-E, the amount recovered is Rs.1,82,820/-. Thus, the prosecution had amply proved that the accused forged entry of Rs.20,000/- in name of Dalbir Singh son of Gurnam Singh. Thus, the petitioner was rightly convicted by both the Courts.

9. Now, adverting to the order of sentence in the present case, this Court cannot lose sight of the fact that the petitioner is facing the agony of trial/appeal since 19.10.2001 i.e. for the last more than 24 years. Still further, the sentence imposed on the petitioner was ordered to be suspended by this Court on 02.04.2012 and has never misused the concession of bail. Even as per the Custody Certificate, he has already undergone more than 02 months and 16 days of actual custody. Thus, no purpose will be served by sending the petitioner behind the bars again after such a long period and the order of sentence is modified to the extent that the sentence imposed on the petitioner is reduced to the period already undergone by him in the present case and the amount of fine will remain the same.

10. With the above modifications, the present revision petition is partly allowed and the impugned judgment of convictions are upheld, whereas, the



sentence imposed on the petitioner is reduced to the period already undergone by him and the amount of fine will remain the same.

11. I record my appreciation for Mr. Jaspal Singh Pannu, Amicus Curiae, who has rendered able assistance to the Court and fee of Amicus Curiae is assessed Rs.20,000/-, which shall be paid by the Secretary, High Court Legal Services Committee, as per rules and practices.

12. Pending application(s), if any, stand(s), disposed of, accordingly.

10.04.2026
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(N.S.SHEKHAWAT)
JUDGE

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