



233 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-2446-2011(O&M)
Date of Decision: 17.03.2026

Hardip 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 01.10.2011 passed by the Additional Sessions Judge, Faridkot and the judgment of conviction and order of sentence dated 26.02.2010 passed by the Court of Chief Judicial Magistrate, Faridkot, whereby the petitioner was convicted for commission of the offences punishable under Sections 506 and 385 of IPC and was sentenced as under:-

Under Section 385 IPC	Rigorous imprisonment for a period of 06 months and to pay a fine of Rs.5,00/- and in default of payment of fine, to further undergo RI for 15 days.
Under Section 506 IPC	Rigorous imprisonment for a period of 06 months and to pay a fine of Rs.5,00/- and in default of payment of fine, to further undergo RI for 15 days.

2. The brief facts of the present case are that on 07.09.2005 Satish Kumar S/o Jagdish Chander r/o Kameana, District Faridkot moved an application to SSP, Faridkot regarding giving of threats by Hardip Singh Kainth



for extortion of money and for registration of case being report of Jain T.V. Complainant alleged that he is resident of village Kameana. On 05.12.1994, FIR was registered against Ankit Kumar s/o Raj Kumar r/o Mohalla Bathan, Faridkot, who was nephew of complainant. At that time, the alleged reporter Hardip Singh has tried to implicate the sister of complainant and present complainant has tried to contact Hardip Singh to narrate the truthful facts, but accused has demanded money and further threatened that if money is not given, then he will got implicate the sister of the complainant in the case. Complainant further alleged that he was not capable to pay the money and as such, he has prepared audio recording in which accused has demanded the money. Hardip Singh Kainth is further harassing the complainant mentally and demanding money on telephone as well as by coming to the shop of the complainant and further giving threats. He is further threatening that if complainant will not pay the money, then he will got implicate him in a false case. Complainant prayed for taking action against the accused and also prayed for justice. This complaint was forwarded to SHO for enquiry and report. Enquiry report as submitted to DSP. On the basis of enquiry report DA (Legal) also given the opinion and after his opinion FIR was registered under Sections 384/385/506 IPC and investigation conducted. After registration of case, ASI Iqbal Singh recorded the statements of witnesses and accused was also joined in the investigation being on pre-arrest bail by the order of the learned Additional Sessions Judge, Faridkot, dated 19.9.2005. After completion of investigation challan against the accused was presented in the Court.



3. On finding a *prima facie* case against the petitioner, he was charge-sheeted for the commission of offence punishable under Sections 506, 385 of IPC, to which, he pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined PW-1 Satish Kumar, complainant, PW-2 ASI Iqbal Singh, Investigating Officer and closed its evidence.

5. After closure of the evidence, the statement of the petitioner under Section 313 Cr.P.C. was recorded and he denied all the incriminating evidence put to him and stated that he has been falsely involved in the present case.

6. In his defence, the petitioner examined Sanjiv Kumar as DW-1 and thereafter, closed the defence evidence.

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

8. Learned State counsel contended that the petitioner does not deserve the concession regarding sentence and the present revision petition be dismissed.

9. I have heard learned counsel for the parties and perused the record carefully.

10. In the present case, Satish Kumar, complainant was examined as PW1 and proved the case of the prosecution. He exhibited the application submitted to SSP as Exhibit PA and also identified his signatures on Exhibit PB



i.e. his affidavit. PW2, ASI Iqbal Singh stated that after enquiry, an FIR (Ex.PA/1) was registered and he identified the signatures of SI Mangat Pal on the same and he also recorded the statement of complainant Satish Kumar.

11. Further, the petitioner examined DW-1, Sanjeev Kumar, who stated that in the year 2005, their suitcase was stolen from the car, which contained jewelry and clothes and the theft was committed by Anant Ram and Amarjit Singh etc. The thieves were apprehended and some of the recovered articles were taken on superdari. In that case, talks for compromise were held and he demanded money for un-recovered ornaments. Hardip Singh was negotiating for compromise with the petitioner and their talk was on telephone. Hardip Singh, petitioner never threatened at his own level nor he demanded money from the complainant and thieves. He simply demanded the payment regarding compromise.

12. In fact, from the statement of DW1 itself, the factum of compromise and demand of money stood proved. Still further, it is also apparent from the testimony of PW1, Satish Kumar that the petitioner had demanded money and had threatened that in case, the money was not paid, his sister will be implicated in some false case. Thus, the trial Court as well as the appellate Court have rightly convicted the petitioner for commission of the offence punishable under Section 385 and 506 of IPC. Even otherwise, I have carefully perused the record and find that there is no illegality, irregularity or perversity in the impugned judgments.

13. Now, adverting to the order of sentence, this Court is conscious of the fact that the petitioner is facing the agony of trial/appeal/revision, since 07.09.2005 i.e. for the last more than 20 years. Even, the sentence imposed on



the petitioner was suspended by this Court 13.10.2011 and since then, he has maintained good conduct and was not involved in any other crime. Even otherwise, the petitioner had undergone 14 days of actual custody, out of total sentence of 06 months and no purpose will be served by keeping him behind bars at this stage. However, keeping in view the mitigating circumstances of the present case, this Court is of the considered opinion that a lenient view can be taken while imposing sentence on the petitioner. Thus, the sentence imposed on the petitioner is reduced to the period already undergone by him. However, the amount of fine imposed on him shall remain same.

14. 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.

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

(N.S.SHEKHAWAT)
JUDGE

17.03.2026
hemlata

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