

Balkar Singh and Another Vs. State of Punjab

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Court : Punjab and Haryana

Decided On : Dec-10-2012

Appellant : Balkar Singh and Another

Respondent : State of Punjab

Judgement :

CRR No.2749 of 2012 (O&M) -1- IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH CRR No.2749 of 2012 (O&M) Date of decision : December 10, 2012 ***** Balkar Singh and anotherpetitioners Versus State of PunjabRespondent ***** CORAM: HON'BLE Mr.JUSTICE RAM CHAND GUPTA ***** Present: Mr.Vivek Goel, Advocate for the petitioners.Mr.Deepak Garg, AAG, Punjab.

***** RAM CHAND GUPTA, J (ORAL) The present revision petition has been filed against the judgment dated 4.8.2012 passed by learned Additional Sessions Judge, Faridkot dismissing appeal filed by present petitioners against the judgment of conviction and order of sentence dated 2.5.2011 passed by Chief Judicial Magistrate, Faridkot in Criminal Case No.408 of 7.12.2006, FIR No.181 dated 18.9.2005 registered under Sections 420 and 120-B IPC at Police Station City Faridkot, vide which the petitioners were convicted for committing offences punishable under Sections 420/120-B IPC and sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of `1,000/- each and in default of payment of fine to undergo imprisonment for one month each under Section 120-B IPC and to undergo RI for two years and to pay a fine of `3000/-

CRR No.2749 of 2012 (O&M) -2- each and in default of payment of fine to undergo further imprisonment for three months each under Section 420 IPC.

I have heard learned counsel for the parties and have gone through the whole record including the judgments passed by both the Courts below.

Brief allegation is that the complainant is an agriculturist.

Sucha Singh, petitioner-accused was employed by him as a Driver.

Sucha Singh told the complainant that his brother-in-law Balkar Singh @ Gurbachan Singh is a travel agent and that he is in the business of sending the people to foreign countries.

Complainant along with Sucha Singh met him and he demanded `2,00,000 for sending the complainant to Saudi Arabia.

On 24.6.2009, complainant along with his father and father-in-law reached the house of his brother-in-law Iqbal Singh, where Sucha Singh was already present.

Complainant handed over `2,00,000/- to Sucha Singh in the presence of his father and father in law, who handed over the same to Balkar Singh.

Balkar Singh promised to send the complainant to the foreign country and also promised that he would be employed as a Driver there and that his permanent visa would be arranged and if the complainant failed to get the job of driver, then they would return the money.

Complainant was sent to Saudi Arabia.

However, he did not get any work and returned on 17.6.2005.

I have also perused the judgments rendered by both the Courts below.

The same are based on evidence.

There is nothing as to why this Court should interfere in the findings of fact recorded by both the Courts below.

No illegality or material irregularity has been committed by learned Courts below, warranting interference by this Court.

Hence, the judgment of conviction as passed by learned trial Court and as affirmed by learned fiRs.Appellate Court is, hereby, affirmed.

CRR No.2749 of 2012 (O&M) -3- However, so far as the quantum of sentence is concerned, it has been contended by the counsel for the petitioners that petitioners are not involved in any other case.

It is further submitted that they are facing trial for the last about seven yeaRs.It is also submitted that one of the accused Balkar Singh has already undergone five months of the sentence, whereas co-accused Sucha Singh has undergone more than four months of the sentence.

In view of the facts and circumstances of the present case, present petition is partly accepted.

While maintaining the judgment of conviction passed by learned Courts below, the order of sentence is modified to the extent that the petitioners are ordered to be released on furnishing probation bonds for a period of one year to the satisfaction of trial Court.

During this period they shall keep peace and be of good behaviour and be called upon to receive the sentence in case of violation of any condition of the bond.

The amount of fine shall be treated as cost of the proceedings.

December 10, 2012 (RAM CHAND GUPTA) ritu/meenu JUDGE

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