

CRR-264-2007

[1]

In the High Court of Punjab and Haryana at Chandigarh

CRR-264-2007

Date of decision: 09.09.2015

Sher Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. J.P. Sharma, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

SABINA, J.

Petitioner had faced the trial qua commission of offence punishable under Sections 8 and 9 of the Haryana Good Conduct and Prisoner (Temporary Release) Act, 1969 ('of the Act' for short) in FIR No.140 dated 28.05.2003, registered at Police Station Kanina. Trial Court vide judgment/order dated 28.01.2006 ordered the conviction and sentence of the petitioner under Sections 8 and 9 of the Act. Aggrieved against the said judgment/order of his conviction and sentence, petitioner preferred an appeal and the same was dismissed by the Appellate Court vide order dated 03.04.2006. Hence, the present petition by the petitioner.

I have heard learned counsel for the petitioner and have gone through the record available on the file carefully.

In the present case, petitioner was undergoing

CRR-264-2007

[2]

sentence in FIR No.88 dated 06.12.1998, under Sections 376 (2)(g), 366 and 363 of the Indian Penal Code, 1860, registered at Police Station Kanina. Petitioner was released on parole on 02.04.2003 for a period of 42 days. However, petitioner did not surrender on 15.05.2003. Rather petitioner surrendered before the jail authorities on 03.06.2003 at 07:25 P.M. Thus, the petitioner had overstayed the parole granted to him. Perusal of the record of CRA-S-1749-SB of 2002 reveals that the petitioner was ordered to be acquitted in FIR No.88 dated 06.12.1998 vide order dated 03.05.2010.

Keeping in view the facts and circumstances of the present case, it would be just and expedient to reduce the sentence qua imprisonment of the petitioner to the period already undergone by him. In the present case, petitioner has already undergone more than two months of actual sentence.

Accordingly, conviction of the petitioner under Sections 8 and 9 of the Act is affirmed. However, sentence qua imprisonment of the petitioner is reduced to the period already undergone by him.

Petition stands disposed of accordingly.

September 09, 2015
kapil

(SABINA)
JUDGE