

214

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**CRR No.1055 of 2015 (O&M)**

**Date of decision: September 07, 2015**

Naib Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE SABINA**

**Present:** Mr. Gurcharan Dass, Advocate  
for the petitioner.

Mr. R.P.S. Sidhu, AAG Punjab.

**SABINA, J**

Petitioner had faced trial in FIR No.152 dated 24.11.2006, under Section 409 of Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Nihal Singh Wala.

Trial Court vide orders dated 09.12.2013 ordered the conviction and sentence of the petitioner qua commission of offence punishable under Section 409 IPC. The conviction of the petitioner, as ordered by the trial Court, was upheld, whereas, the sentence of the petitioner was reduced from three years to two years, by the Appellate Court vide order dated 22.01.2015. Hence, the present petition by the petitioner.

During the course of arguments, learned counsel for the petitioner has not challenged the conviction of the petitioner under Section 409 IPC, but has submitted that sentence qua imprisonment of the petitioner be reduced to

the period already undergone by him. Learned counsel has further submitted that the amount in question has already been deposited by the petitioner during departmental inquiry prior to the registration of the FIR. Learned counsel has also submitted that the petitioner has undergone about seven and a half months of actual sentence and is not a previous convict. Petitioner is the only bread-earner of the family.

Keeping in view the submissions made by learned counsel for the petitioner, it would be just and expedient to reduce the sentence qua imprisonment of the petitioner to the period already undergone by him.

Accordingly, conviction of the petitioner under Section 409 IPC is maintained. However, sentence qua imprisonment of the petitioner is reduced to the period already undergone by him. Petitioner, who is in custody be set at liberty forthwith, if not required in any other case.

Petition stands disposed of, accordingly.

**(SABINA)  
JUDGE**

**September 07, 2015**  
mahavir