

**CRR-1396-2015**

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

**CRR-1396-2015 (O & M)  
Date of Decision: 26.05.2015**

Naginder Singh

... Petitioners (s)

Versus

State of Punjab

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH**

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. Gopal Singh Nahel, Advocate,  
for the petitioner.

Mr. S.S.Chandumajra, DAG, Punjab.

**Paramjeet Singh, J. (Oral)**

Custody certificate, filed in Court today, is taken on record.

Present criminal revision has been preferred by the petitioner against judgment dated 19.02.2015 passed by learned Additional Sessions Judge, Sangrur whereby appeal preferred by the petitioner has been dismissed and judgment of conviction and order of sentence dated 14.05.2014 passed by the Additional Chief Judicial Magistrate, Sangrur, have been upheld and the petitioner has been sentenced as under:

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| <i><b>Sr. No.</b></i> | <i><b>U/S</b></i> | <i><b>Sentence</b></i>                                                                                                                                         |
|-----------------------|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1                     | 279 IPC           | To undergo rigorous imprisonment for six months and to pay fine of ₹500/-. In default thereof, he will further undergo rigorous imprisonment for fifteen days. |
| 2                     | 337 IPC           | To undergo rigorous imprisonment for six months and to pay fine of ₹500/-. In default thereof, he will further undergo rigorous imprisonment for fifteen days. |
| 3                     | 338 IPC           | To undergo rigorous imprisonment for one year and to pay fine of ₹1000/-. In default thereof, he will further undergo rigorous imprisonment for one month.     |

All the sentences have been ordered to run concurrently.

I need not dilate upon the facts of this case in detail as the same have already been recapitulated in the judgment of the learned Courts below and in view of the ultimate prayer of the petitioner seeking reduction in sentence.

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

Learned counsel for the petitioner states that he is not pressing this revision on merit and is not challenging the conviction on merit. He is only aggrieved against the sentence part. However, he prays that the sentence of the petitioner be suitably reduced as this criminal trial is hanging on his head like damocle's sword for more than four and half years and it should be a sufficient mitigating circumstance to treat him leniently. Learned counsel for the petitioner has further submitted that the FIR pertains to the year 2010 and since then a period of more than four and half years has elapsed. The petitioner has suffered the ordeal for long period. Learned counsel for the petitioner further submits that the petitioner is first offender and sole bread earner of his family.

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The petitioner has already undergone the sentence for more than three months.

Learned counsel for the State vehemently opposes the reduction in sentence.

I have considered the contentions raised by learned counsel for the parties.

Ancient penological approach was custodial measure to curb crime. But in modern days, penological approach should be balanced keeping in view the needs of the community and interests of the accused: such as compensation to the victims, release on admonition, probation etc. These are being adopted to reform the criminal convicts. The object of criminal justice system is to reform the offenders and to make them see and follow the right path. Otherwise also jails are often overcrowded.

In view of the arguments advanced by learned counsel for the petitioner, which have been noted above, this Court is of the view that no useful purpose will be served by keeping the petitioner behind the bars further as he has faced ordeal for a long period. It is a fit case wherein sentence awarded to the petitioner can be reduced to already undergone subject to payment of compensation to the injured-complainant, Sarabjit Singh, under Section 357 Cr.P.C. Therefore, sentence of the petitioner is reduced to the period already undergone, subject to deposit of Rs.50,000/- under Section 357 Cr.P.C. with the trial

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Court, which shall be paid to the injured-complainant, in addition to the fine/compensation already imposed by the courts below. The impugned judgments of conviction and orders of sentence, including default clause, stand affirmed with aforesaid modification. It is made clear that the petitioner be released only on deposit of the aforesaid amount and his sentence shall stand reduced upto his actual release. It goes without saying that if the amount of fine/compensation is not deposited, the petitioner will serve the remaining part of sentence.

With the observations made above, instant revision petition is disposed of with a direction that the petitioner be released immediately upon deposit of amount of fine/compensation, if not required in any other case and his sentence shall be treated reduced upto his actual release, as aforesaid.

**26.05.2015**  
parveen kumar

**(Paramjeet Singh)**  
**Judge**