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

**Date of decision: August 28, 2015
CRR No.1739 of 2014 (O&M)**

Lakhbir Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CRR No.2414 of 2014 (O&M)

Gurmit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CRR No.2676 of 2014 (O&M)

Jasbir Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Ritesh Pandey, Advocate for
Mr. Parteek Gupa, Advocate
for the petitioners (in CRR No.1739 and
2676 of 2014).

Mr. M.D.S. Gill, Advocate
for the petitioner (in CRR No.2414 of 2014).

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

Mr. Sohan Singh, Complainant present in person.

SABINA, J

Vide this order, above mentioned three petitions
would be disposed of as the same have arisen out of the same
FIR.

Petitioners had faced trial in FIR No.105 dated

11.10.2000, under Section 420 of Indian Penal Code, 1860 ('IPC' for short), registered at Police Station City Batala.

Trial Court vide judgment/order dated 22.07.2011 ordered the conviction and sentence of the petitioners qua commission of offence punishable under Section 420 IPC. The said judgment/order of conviction and sentence of the petitioners, were upheld by the Appellate Court vide order dated 29.04.2014. Hence, the present petitions by the petitioners.

During the course of arguments, learned counsel for the petitioners have not challenged the conviction of the petitioners under Section 420 IPC but have submitted that sentence qua imprisonment of the petitioners be reduced to the period already undergone by them. Learned counsel have further submitted that as per the prosecution case, petitioners had sold more land than their share. Petitioners are real brothers. Complainant is the cousin brother of the petitioners.

Complainant-Sohan Singh who is present in person and has been identified by the Head Constable Patra Masih who has come to assist learned State counsel, has submitted that he has got back his land, which was allegedly sold by the petitioners and he has no objection, if the sentence qua imprisonment of the petitioners is reduced to the period already undergone by them.

As per the prosecution case, petitioners had sold the share of the complainant. However, now the complainant has got back his land. Petitioner-Lakhbir Singh has undergone more than ten months of actual sentence. Petitioner-Jasbir Singh has undergone one year and more than one month of actual sentence and petitioner-Gurmit Singh has undergone more than eight months of actual sentence.

Keeping in view the submissions made by learned counsel for the petitioners and the complainant, conviction of the petitioners under Section 420 IPC is maintained. However, the sentence qua imprisonment of petitioners is reduced to the period already undergone by them.

Petitions stand disposed of, accordingly.

**(SABINA)
JUDGE**

August 28, 2015
mahavir