

IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CRR-2899-2015 (O&M)

Date of Decision: October 6, 2015

Gurinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Jasjeet S. Dhaliwal, Advocate,
for the petitioner.

Mr. K.S. Pannu, DAG, Punjab,
for the respondent.

1. *Whether Reporters of 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?*

NARESH KUMAR SANGHI, J. (Oral)

Challenge in this criminal revision petition is to the judgment dated 3.8.2015, passed by learned Additional Sessions Judge, Sri Muktsar Sahib, whereby the appeal filed by the petitioner challenging his conviction and sentence for the offences punishable under Sections 186, 353, 379 and 506, IPC, recorded by

learned Chief Judicial Magistrate, Sri Muktsar Sahib, was dismissed with modification to the extent that the petitioner was acquitted for the offence punishable under Section 379, IPC.

At the very outset, learned counsel submits that the present criminal revision petition came up for hearing before this Court on 11.8.2015, and the following order was passed:-

“ At the very outset learned counsel for the petitioner submits that in view of the concurrent findings of learned Courts below, he does not want to press the present revision petition so far as the conviction of the petitioner is concerned. He further submits that in view of the facts and circumstances of the case, the sentence awarded by the Courts below is uncalled for.

Notice of motion for 27.08.2015 with regard to quantum of sentence only.”

In pursuance to the notice issued, learned counsel for the State has put in appearance and submits that in view of the statement suffered by learned counsel for the petitioner, the present petition may be disposed of at this stage. He has produced the affidavit of the Superintendent, District Jail, Sri Muktsar Sahib, showing the period of incarceration suffered by the petitioner, which is taken on record.

Learned counsel contends that the petitioner is neither required nor involved in any other case; out of the maximum

awarded sentence of one year, the petitioner has already suffered incarceration for more than three months; the petitioner is the only bread-winner for his family members; the petitioner is facing the agony of trial, appeal and of the present criminal revision petition for the last more than seven years; and that the sentence awarded to the petitioner is harsh in nature, therefore, the same be reduced to the period already undergone by him.

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

The brief facts of the case are that on the basis of the complaint received from the Sub Divisional Officer of Electricity Department, Sri Muktsar Sahib, the FIR for the offences punishable under Sections 186, 353, 379 and 506, IPC, and Sections 135 and 136 of the Electricity Act, 2003, was registered against the petitioner at Police Station, City, Sri Muktsar Sahib. After thorough investigation, the charge-sheet (challan) was presented before learned Area Judicial Magistrate. Finding *prima facie* case, the charges for the offences punishable under Sections 186, 353, 379 and 506, IPC, and Sections 135 and 136 of the Electricity Act, 2003, were framed, to which the petitioner pleaded not guilty and claimed trial. In order to substantiate its allegations, the prosecution examined PW-1 Kuldeep Verma, SDO, Electricity

Department; PW-2 Charanjeet Singh Sandhu, an official of the Electricity Department; PW-3 Sukhmander Singh, an official from Electricity Department; PW-4 Harbans Singh, yet another official from Electricity Department; and PW-5 Kulwant Singh, Upper Division Clerk from Electricity Department.

After closure of the prosecution evidence, the statement of the petitioner in terms of Section 313, Cr.P.C., was recorded. He denied the incriminating circumstances appearing against him and pleaded innocence.

In defence evidence, the petitioner examined Gurcharan Singh as DW-1.

Perusal of the material available on record would reveal that from the deposition of the prosecution witnesses, learned Trial Court rightly held the petitioner guilty for the offences punishable under Sections 186, 353 and 506, IPC, and later affirmed by learned Additional Sessions Judge, Sri Muktsar Sahib, and, as such, learned counsel for the petitioner has correctly opted not to challenge the conviction of the petitioner for the said offences.

There appears to be substance in the submission of learned counsel for the petitioner that he (petitioner) being a first offender; only bread-winner for his family members; already suffered incarceration for three months and seven days, including the remission of one month and five days; some concession in

sentence can be extended to the petitioner and, as such, the substantive sentence of the petitioner for the offences for which he has been sentenced, is reduced to the period already undergone by him.

The petitioner be set at liberty at once, if not required to be in custody in any other case.

The present criminal revision petition stands disposed of in the above terms.

October 6, 2015
Pkapoor

(NARESH KUMAR SANGHI)
JUDGE