

In the High Court of Punjab and Haryana at Chandigarh

1. Crl. Revision No. 3109 of 2015 (O&M)
Date of decision: 18.9.2015

AjayPetitioner

Versus

State of HaryanaRespondent

2. Crl. Revision No. 2819 of 2015 (O&M)

SonuPetitioner

Versus

State of HaryanaRespondent

3. Crl. Revision No. 2944 of 2015 (O&M)

Ashish BansalPetitioner

Versus

State of HaryanaRespondent

4. Crl. Revision No. 3097 of 2015 (O&M)

KrishanPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Narenjer Kaajla, Advocate,

Mr. R.S.Mamli, Advocate and

Mr. Amit Singla, Advocate
for the petitioners.

Ms. Trishanjali Sharma, AAG, Haryana.

SABINA, J.

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

Accused Ashish Bansal, Ajay, Joginder Singh and Krishan had faced the trial qua commission of offence punishable under Section 420, 467, 468, 471, 120-B of the Indian Penal Code, 1860 ('IPC' for short) in FIR No. 279 dated 25.9.2009, registered at Police Station Ganaur, District Sonapat. Petitioner Sonu had faced trial qua commission of offence punishable under Section 379 IPC. Trial Court vide judgment/order dated 28.9.2013 ordered the conviction and sentence of accused Ashish Bansal, Ajay, Joginder Singh and Krishan under Section 420, 467, 468, 471, 120-B IPC. Accused Sonu was ordered to be convicted and sentenced qua commission of offence punishable under Section 380 IPC. Aggrieved against the said judgment/order of their conviction and sentence, accused preferred five appeals. Appellate Court vide order dated 28.7.2015 dismissed the appeals filed by the petitioners. However, appeal filed by accused Joginder Singh was allowed. Hence, the present petitions by the petitioners.

During the course of arguments, learned counsel for the petitioners have not challenged the conviction of petitioners Ashish Bansal, Ajay and Krishan under Section 420, 467, 468, 471, 120-B and conviction of petitioner Sonu Section 380 IPC but have submitted that sentence qua imprisonment of the petitioners be reduced to the period already undergone by them. Learned counsel for the petitioners have submitted that as per the prosecution case, petitioners had withdrawn ₹ 29,33,000/- from the bank account of the complainant whereas ₹ 29,10,000/- were recovered

during investigation. Learned counsel for the petitioners have further submitted that the petitioners are the only bread earner of their families. As per the custody certificates placed on record, petitioner Sonu has undergone about 03 months and 23 days of actual sentence out of one year, petitioner Krishan has undergone 08 months and 28 days of actual sentence out of 2½ years whereas petitioner Ajay has undergone more than seven months of actual sentence out of 2½ years. Petitioner Ashish Bansal has undergone 07 months and 22 days of actual sentence out of 2½ years.

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 petitioners to the period already undergone by them.

Accordingly, conviction of petitioners Ashish Bansal, Ajay and Krishan under Section 420, 467, 468, 471, 120-B and conviction of petitioner Sonu Section 380 IPC, is maintained. However, sentence qua imprisonment of the petitioners is reduced to the period already undergone by them. Petitioners, who are in custody, be set at liberty forthwith, if not required in any other case.

All the petitions stand disposed of accordingly.

**(SABINA)
JUDGE**

September 18, 2015
Gurpreet