

In the High Court of Punjab and Haryana at Chandigarh

Crl. Revision No. 3640 of 2015 (O&M)
Date of decision: 20.10.2015

Dharmej Singh @ Gurtej Singh @ Baljinder SinghPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Anurag Arora, Advocate
for the petitioner.

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

SABINA, J.

Petitioner along with his co-accused had faced the trial qua commission of offence punishable under Section 420, 467, 468, 471 of the Indian Penal Code, 1860 ('IPC' for short) in FIR No. 137 dated 19.12.2009, registered at Police Station City Dhuri. Trial Court vide judgment/order dated 12.12.2014 ordered the conviction and sentence of the petitioner under Section 467, 468, 471 IPC. However, co-accused of the petitioner namely Jaswinder Singh was ordered to be acquitted. Aggrieved against the said judgment/order of his conviction and sentence, petitioner preferred an appeal and the same was dismissed by the Appellate Court vide order dated 17.9.2015. Hence, the present petition by the petitioner.

Learned counsel for the petitioner has submitted that as per the prosecution case, petitioner was apprehended while he was travelling in a Zen car and the number plate of the said Zen car was forged. However, the owner of the Zen car had not been joined

during investigation. On the basis of the disclosure statement suffered by the petitioner, a motor cycle was recovered. However, no public witness was joined at the time of recovery of the motor cycle. The motor cycle was also not produced in the Court. Be that as it may, learned counsel for the petitioner has submitted that he does not challenge the conviction of the petitioner under Section 467, 468, 471 IPC but has submitted that sentence qua imprisonment of the petitioner be reduced to the period already undergone by him. Learned counsel for the petitioner has further submitted that out of 18 months of sentence, petitioner has already undergone more than one year of actual sentence. Petitioner is the only bread earner of the family and is not involved in any other criminal case.

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 petitioner to the period already undergone by him.

Accordingly, conviction of the petitioner under Section 467, 468, 471 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**

October 20, 2015

Gurpreet