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

CRR No.4088 of 2014 (O&M)

Date of decision: January 22, 2015

Bhola Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Vivek Goel, Advocate
for the petitioner.

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

SABINA, J

Petitioner along with his other co-accused had faced the trial qua commission of offence punishable under Section 382 of the Indian Penal Code, 1860 ('IPC' for short) and Section 25 of the Arms Act, 1959 in FIR No. 127 dated 25.5.2006, registered at Police Station Sadar Sri Muktsar Sahib. Trial Court vide judgment/order dated 3.3.2011 ordered the conviction and sentence of the petitioner under Section 382 IPC. Aggrieved against the said judgment/order of their conviction and sentence, petitioner and his co-accused preferred an appeal and the same was dismissed by the Appellate Court vide order dated 20.5.2014. Hence, the present petition by the petitioner.

During the course of arguments, learned counsel for the petitioner has not challenged the conviction of the petitioner under Section 382 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 submitted that the scooter which had been allegedly snatched by the petitioner, was worth ₹3,000/- and had been recovered after two days. Learned counsel for the petitioner has further submitted that sentence qua imprisonment of co-accused-Swaran Singh was reduced to the period already undergone by him vide Annexure P-1. Petitioner is facing criminal proceedings since the year 2006. Petitioner is not a previous convict and is the only bread earner of the family.

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 382 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.

January 22, 2015
m.singh

(SABINA)
JUDGE