

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR No. 671 of 2014 (O&M)
Date of Decision : 02.07.2015

Jarnail Singh

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

1. *Whether Reporters of the 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?*

Present: Mr. J.S. Brar, Advocate
for the petitioner.

Mr. Gazi Mohd. DAG, Punjab.

R.P. Nagrath, J. (Oral)

CRM No. 6716 of 2014

When initially the matter was listed on 03.03.2014, this was ordered to be listed alongwith CRR No. 273 of 2014 and that CRR No. 273 of 2014 titled '**Gurmair Singh vs. State of Punjab**' has abated on the ground of death of co-accused and order was passed on 20.2.2015.

The State is being represented by learned Addl. Advocate General since 26.05.2014.

Reply to the application for condonation of delay is not to be filed by learned State counsel and for the reason that the petitioner is in custody since the date of passing of judgment of conviction, the delay of 25 days in filing the instant revision is condoned.

CRR No. 671 of 2014

I have heard learned counsel for the petitioner, the State counsel on merits of the instant revision and perused the paper-book.

The facts, briefly stated, are that on the intervening night on 20/21.01.2015 at about 11.15 p.m. two miscreants entered the bank by breaking open the locks of entry gate but they were apprehended by the security guards, namely; Yadwinder Singh, Kuldeep Singh, Gurpreet Singh and Gurnaib Singh. These persons disclosed their names as Gurmail Singh son of Jawala Singh and Jarnail Singh, the petitioner. It was further stated that the accused persons after scaling the wall and breaking the locks, entered the bank to commit theft. A welding set for the purpose of cutting the safe of the bank alongwith wires were lying in the premises of the bank. Both the accused persons were handed over to the police on 21.01.2015. As per prosecution story, earlier also the accused persons had made similar attempt on 4/5.11.2009. On search of the petitioner, one welding set and electric wire were recovered and all these items were taken into possession vide separate memos. Similarly, from personal search of Gurmail Singh co-accused, one diary alongwith three passport size photographs, one slip for purchase of mobile phone No. 6315 dated 11.12.2018, one glass for welding, were recovered. Many other things such as one electric torch, one wire about 40 ft. in length, one holder, one dye, one *plier*, a knife etc. were also recovered. There was also motorcycle bearing No. PB-03-J-3779 parked near the bank and its registered owner was Jaswinder

Singh son of Harpal Singh, as per the registration certificate.

There was overwhelming evidence to prove the charge against the petitioner who was caught at night equipped with the implements to commit theft. This evidence mainly comprised of the two security guards, namely; Yadwinder Singh and PW-3 Balbir Singh.

In view of the limited scope of interference in the revisional jurisdiction there being abundant evidence, which has been properly assessed by the Courts below, learned counsel for the petitioner has not challenged the conviction on merits.

I have heard learned counsel for the petitioner and the State counsel on the quantum of sentence. The petitioner was awarded maximum sentence of 2½ years of rigorous imprisonment and to pay fine of ₹ 1000/-, in default of payment of fine to further undergo rigorous imprisonment for one month under Section 457 IPC. He has also been awarded the sentence to undergo rigorous imprisonment for 1½ year under Section 379 IPC read with Section 511 IPC and to pay fine of ₹ 500/-, in default of payment of fine to further undergo rigorous imprisonment for 15 days. Both the substantive sentences of imprisonment were to run concurrently.

As per custody certificate produced on record by learned State counsel, the petitioner has undergone 1 year, 9 months and 15 days of imprisonment and with remissions he has undergone 2 years, 1 month and 20 days of imprisonment, which under the circumstances is found to be sufficient punishment. Therefore, the sentence of 2½ years of rigorous imprisonment

under Section 457 IPC is reduced to the period already undergone.

In view of the above discussion, the instant revision is dismissed on merits and partly allowed qua sentence reducing the sentence of imprisonment for offence under Section 457 IPC to the period already undergone but maintaining rest of the sentences including imposition of fine and the default clause.

July 02, 2015

jk

**(R.P. NAGRATH)
JUDGE**