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

**Date of decision: January 22, 2015
CRR No.938 of 2014**

Gurjant Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CRR No.1240 of 2014

Nanak Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Parveen Sharma, Advocate
for the petitioner (in CRR No.938 of 2014).

Mr. Arihant Jain, Advocate
for petitioner (in CRR No.1240 of 2014).

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

SABINA, J

Vide this order, above mentioned two petitions would
be disposed of as they have arisen out of the same occurrence.

FIR No.160 dated 05.11.2008 was registered under
Section 381 of Indian Penal Code, 1860 ('IPC' for short) at Police
Station Jaitu at the instance of petitioner-Nanak Singh (in CRR
No.1250 of 2014). However, during investigation complainant
was arrayed as an additional accused alongwith his co-accused-
Gurjant Singh (in CRR No.938 of 2014). Trial Court vide
judgment/order dated 08.11.2012 ordered the conviction and
sentence of the accused under Section 408 IPC. Appeals filed by

the petitioners were dismissed by the Appellate Court vide order dated 07.03.2014. Hence, the present petitions.

During the course of arguments, learned counsel for the petitioners have not challenged the conviction of the petitioners under Section 408 IPC, but have submitted that the sentence qua imprisonment of the petitioners be reduced to the period already undergone by them.

Learned counsel for the petitioners have submitted that the amount in question was recovered from the petitioners during investigation. Petitioners are not previous convicts and are only bread-earners of their families.

Keeping in view the facts and circumstances, 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 the petitioners' under Section 408 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.

Petitions stand disposed of, accordingly.

January 22, 2015
m.singh

**(SABINA)
JUDGE**