

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CRR-743-2015(O&M)
Decided on: 06.07.2015

Bhupinder SinghPetitioner

vs.

State of HaryanaRespondent

Coram: Hon'ble Mr. Justice Mahesh Grover

Present: Mr. S.K.Guleria, Advocate for the petitioner.
Mr. Kuldeep Tiwari, Addl. A. G. Haryana.
**

Mahesh Grover, J

CRM-19271-2015

CRM is allowed, as prayed for.

Annexures P1 and P2 are taken on record, subject to all just exceptions.

CRR-743-2015

The petitioner impugns the order of conviction and sentence dated 18/27.02.2012 awarded to him by the learned trial Court in a case FIR No. 490 dated 19.12.2006, registered under Sections 420 and 506 IPC at Police Station Pehowa. He was sentenced to undergo rigorous imprisonment for one year and to pay a fine of `1000/-. The appeal filed by the petitioner was dismissed by the Appellate Court vide order dated 31.01.2015.

Learned counsel for the petitioner without adverting to the merits of the case has contended that the petitioner has undergone more than seven months out of the total imprisonment of one year awarded to him. He has also contended that there is no other case pending against him and neither has any conviction been recorded. He has pleaded that he be granted some leniency so far as his sentence is concerned.

Considering the aforesaid fact as also the fact that the petitioner was merely a witness of the transaction alleged by the prosecution, the petitioner deserves leniency. Besides, it is contended that the petitioner has health issues which are indicated from the opinion of the medical board appended to the application bearing No. 19271 of 2015 as Annexure P2.

After hearing learned counsel for the petitioner and noticing the period of sentence undergone by the petitioner which is more than seven months out of the total period of one year and further noticing the fact that there is no other conviction recorded or case pending against the petitioner, as also some material to indicate that his state of health is not satisfactory, I would deem it appropriate to reduce the sentence of the petitioner to that of already undergone. Even otherwise, the trial Court and the Appellate Court ought to have examined the issue for grant of probation in the given set of circumstances.

Revision petition is disposed of as above.

06.07.2015
mamta

(MAHESH GROVER)
JUDGE