

CRR-861-2015

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-861-2015 (O & M)
Date of decision: 06.04.2015

Gurbachan Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 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: Ms. Amandip Kaur, Advocate for
Mr. J.B.S.Gill, Advocate,
for the petitioner.

Mr. B.S.Cheema, DAG, Punjab.

PARAMJEET SINGH, J.

Custody certificate of the petitioner, filed in Court today, is taken on record.

Present criminal revision has been preferred by the petitioner against judgment dated 21.02.2015 passed by learned Additional Sessions Judge (Adhoc) Fast Track Court, Hoshiarpur whereby appeal preferred by the petitioner against judgment of conviction and order of

CRR-861-2015

sentence dated 19.10.2011 has been dismissed, however, sentence awarded by the trial Court has been reduced to two years for the commission of offence punishable under Section 420 of the Indian Penal Code in FIR No.96 dated 27.06.2007, registered at Police Station Mukerian, under Sections 420/406/120-B of the Indian Penal Code.

I need not dilate upon the facts of this case in detail as the same have already been recapitulated in the judgment of the learned Courts below and in view of the ultimate prayer of the petitioner seeking reduction in sentence.

I have heard the learned counsel for the parties and perused the record.

Learned counsel for the petitioner states that she is not pressing this revision on merit and is not challenging the conviction on merit. She is only aggrieved against the sentence part. However, she prays that sentence of the petitioner be suitably reduced as this criminal trial is hanging on his head like damocle's sword for more than seven years and it should be a sufficient mitigating circumstance to treat him leniently. Counsel for the petitioner has further submitted that the FIR pertains to the year 2007 and since then a period of more than seven years has elapsed. The petitioner has suffered the ordeal for long period. Learned counsel for the petitioner further contends that the petitioner has already undergone the sentence for one year and seven months.

In view of the arguments advanced by learned counsel for the petitioner, which have been noted above, this Court is of the view

CRR-861-2015

that no useful purpose will be served by keeping the petitioner behind the bars further as the petitioner faced ordeal for more than seven years. It is a fit case wherein sentence awarded to the petitioner can be reduced to already undergone. Ordered accordingly. The impugned judgments of conviction and orders of sentence and, including default clause, stand affirmed with aforesaid modification. It goes without saying that if the amount of fine is not deposited, the petitioner will serve the remaining part of sentence.

With the observations made above, present revision petition is disposed of with a direction that the petitioner be released immediately, if not required in any other case.

06.04.2015
parveen kumar

(PARAMJEET SINGH)
JUDGE