

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 224

ANKUR GOYAL
I attest to the accuracy and
authenticity of this document

Criminal Revision No.206 of 2012 (O&M)

Date of Decision: September 16, 2016

Harmender Singh @ Balwinder

..... PETITIONER

VERSUS

State of Haryana

..... RESPONDENT

...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

...

PRESENT: - Mr. Satbir Gill, Advocate, for the petitioner.

Ms. Harpreet Kaur, Deputy Advocate General, Haryana.

. . .

JASPAL SINGH, J.

CRM No.4593 of 2012

Heard.

Application is allowed as prayed for.

CRM No.4594 of 2012

Application is allowed as prayed for.

Documents (Annexures P-1 to P-3) are taken on record subject to all just exceptions and be tagged at its appropriate place.

Main Case

1. The instant revision petition has been preferred by Harmender Singh @ Balwinder challenging judgment of conviction dated July 17, 2009 and order of sentence dated July 18, 2009, passed by the Sub Divisional Judicial

Magistrate, Dabwali, in case bearing FIR No.92 dated December 11, 2001, under Sections 279, 336, 337, 304-A & 427 of IPC, registered at Police Station Odhan as well as judgment dated December 03, 2011 passed by learned Additional Sessions Judge, Fast Track Court, Sirsa. Vide judgment of conviction dated July 17, 2009 and order of sentence dated July 18, 2009, he was convicted and sentenced as under:-

Name of Accused	U/s	RI	Fine (₹)	In default (R.I.)
Harmender Singh @ Balwinder	279 IPC	03 months	----	-----
	337 IPC	06 months	-----	-----
	338 IPC	01 year	-----	-----
	304-A IPC	02 years	2000/-	01 month

Dis-satisfied with the aforesaid judgment/order, the accused – petitioner preferred an appeal which was also dismissed vide judgment dated December 3, 2011 passed by the lower appellate court. Aggrieved from the judgments passed by both the Courts below petitioner filed this revision petition.

2. At the very outset of arguments, learned counsel for the petitioner submits that he does not press the petition qua conviction, however, the petitioner be heard only qua quantum of sentence. This Court has also scrutinized the impugned judgment(s) as well as the relevant document(s)/evidence and is of the considered view that there is no scope for any interference in impugned judgment(s) as far as the conviction of the petitioner under the aforesaid provisions of IPC is concerned. As such, the conviction of the petitioner is upheld.

3. As far as quantum of sentence is concerned, there are mitigating circumstances to take a lenient view in the matter of sentence awarded by the trial court and upheld by the lower appellate court. Apart from the fact that petitioner is facing the agony of protracted trial for a period of more than 14 years & 9 months after registration of the instant case and is a

sole bread winner of the family. Accused – petitioner is also first offender.

There is no other case of similar nature, either pending or disposed of, against the petitioner, who had already suffered incarceration for a period of 08 months & 27 days, as is evident from custody certificate dated 21.07.2016. Thus, this Court is of the considered view that a chance be given to the petitioner to reform & improve himself; to become good citizen; and to lead a peaceful & harmonious life.

4. Taking into consideration the aforesaid aspects of the case, though, conviction of the petitioner is upheld but the sentence imposed upon him by the courts below is reduced to the period already undergone by him, with no change in fine clause.

5. With the above modification in sentence, revision petition stands dismissed.

September 16, 2016
Avin/Ankur

(Jaspal Singh)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No