

222 IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH

CRR No. 1003 of 2016 (O&M)
DECIDED ON: MAY 18, 2016

HARJEET SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH.

- 1. Whether Reporters of 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. Naresh Kaushal, Advocate
 for the petitioner.

 Mr. K.S. Pannu, DAG, Punjab.

JASPAL SINGH, J

1. The instant revision has been preferred by Harjeet Singh challenging judgment dated February 10, 2016 passed by learned Additional Sessions Judge, Rupnagar, whereby judgment of conviction and order of sentence dated May 15, 2015 passed by Chief Judicial Magistrate, Rupnagar, in case bearing FIR No.124 dated September 06, 2010 under Sections 420, 467, 468, 471 and 120-B IPC, Police Station, City Rupnagar has been upheld, vide which, the accused – petitioner has been sentenced as under:-

Name of Accused	U/s	RI	Fine (₹)	In default (R.I.)
Harjeet Singh	120-B IPC	2 years	1,000/-	Two months
	420 IPC	2 years	1,000/-	Two months
	467 IPC	2 years	1,000/-	Two months
	468 IPC	2 years	1,000/-	Two months
	471 IPC	2 years	1,000/-	Two months

2. On April 26, 2016, the following order was passed by this Court:-

“Heard.

Notice of motion only on quantum of sentence, as no case is made out to interfere with the judgment of conviction dated May 15, 2015 passed by learned Chief Judicial Magistrate, Rupnagar, which was upheld vide judgment dated February 10, 2016 passed by learned Additional Sessions Judge, Rupnagar.

Notice reg: suspension of sentence, as well.

At the asking of Court, Mr. RPS Sidhu, AAG, Punjab accepts notice on behalf of respondent-State of Punjab and seeks time to file custody certificate. Copy of the petition be supplied to learned State counsel during the course of day.

List on 28.04.2016”.

3. Here it would be pertinent to mention that petitioner did not challenge his conviction on merits and only confines his relief qua quantum of sentence. This Court has also scrutinized the impugned judgments as well as the relevant documents/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 is concerned. As such, the conviction of the petitioner is upheld.

4. 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 since 2010 and is the only earning hand in his family. Moreover, petitioner has already suffered incarceration for a period of 01 year 09 months and 25 days as on May 18, 2016, out of total substantive sentence for a period of two years, therefore, some concession in substantive sentence can be extended to him. Thus, this court is of the considered view that a chance be given to the petitioner to reform & improve himself; to become a good citizen; and to lead a peaceful & harmonious life.

5. Taking into consideration the above narrated discussion as well as the fact that petitioner has not challenged his conviction on merits, while affirming his conviction, the order of sentence is modified to the extent to the period already undergone by him with no change in the fine clause.

6. With the aforesaid modification in the quantum of sentence, the revision petition stands dismissed.

CRM No. 8468 of 2016

In view of order passed in main revision petition, instant application has been rendered infructuous and is dismissed as such.

MAY 18, 2016
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(JASPAL SINGH)
JUDGE