

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

CRR No.1399 of 2016 (O&M)
Date of Decision: May 23, 2016

Sarabjit Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Gagandeep Singh Chinna, Advocate
for the petitioner.

Mr.P.S.Grewal, Deputy Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Sarabjit Singh against State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 20.01.2015 passed by learned Judicial Magistrate Ist Class, Patiala, vide which the petitioner was convicted and sentenced to undergo simple imprisonment for a period of one year under Section 465 IPC and also challenging the judgment dated 14.12.2015 passed by learned Addl. Sessions Judge, Patiala, vide which appeal filed by petitioner was dismissed.

At the time of preliminary hearing, learned counsel for the petitioner did not dispute the concurrent findings of the Courts below regarding conviction and only contended on the point of reduction of

sentence.

Notice of motion was issued only qua quantum of sentence.

Learned State counsel appeared and contested the petition.

The brief facts of the case as noted down in the judgment passed by learned JMIC, Patiala, are as under:-

“The brief facts of the case of the prosecution are that Investigating officer ASI Kewal Singh received secret information that Sarbjit Singh son of Darbara Singh, resident of village Channo, Police Station Mulepur, District Fatehgarh Sahib is habitual of committing the offence of theft and cheating and he has procured the forged identity card of Punjab Police and he daily cheat the General public near Bara Dari Garden, Leela Bhawan Chowk or 22 number phatak by impersonating him as Punjab Police official. That body structure of the above said accused was also described by the informer. Then Investigating officer gave instructions to his police officials and in the mean time, one person of the above said description came from the side of 22 number phatak and he stopped his cycle on kucha passage and he was nabbed by the investigating officer with the help of police officials and accused disclosed his name as Sarbjit Singh son of Darbara Singh, caste Jat, resident of Channo, District Fatehgarh Sahib and on his search, one purse was found from his pocket and from that purse Rs.150/- and one identity card bearing no.315 was recovered and the same was issued by affixing the stamp of SSP, Patiala and on the back side of the Identity card, correct address of the accused Sarbjit Singh was mentioned. That during investigation, accused also disclosed that the cycle on which he was coming was also stolen by him. Accused was arrested. After completion of investigation, challan against the accused was presented in the court against the accused for his trial in accordance with law.”

Learned JMIC, Patiala, after appreciating the evidence, convicted and sentenced the petitioner as stated above. An appeal was filed by the petitioner and the same was dismissed by learned Addl. Sessions Judge, Patiala vide judgment dated 14.12.2015.

Aggrieved from the above-said judgments, present revision petition has been filed.

Learned counsel for the petitioner argued that petitioner is first

offender, poor person, only bread earner of the family and he is suffering from the criminal proceedings for the last more than 5 years and has already undergone imprisonment of 6 months and 27 days including remission out of the total sentence.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Keeping in view the facts and circumstances of the present case and in view of the fact that petitioner is first offender, only bread earner of the family and is suffering from long protracted criminal proceedings since 2011 i.e. for the last about five years and in view of the fact the petitioner has already undergone imprisonment of 6 months and 27 days including remission of 16 days out of the total sentence, the sentence imposed upon the petitioner is reduced to the sentence already undergone by him.

Therefore, the present revision petition stands partly allowed.

Petitioner Sarabjit Singh, who is in custody, be released forthwith if his custody is not required in connection with any other case.

May 23, 2016
Vgulati

(INDERJIT SINGH)
JUDGE