

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRR No.3532 of 2014 (O&M)****Date of Decision: March 18, 2016**

Sahib Singh

...Petitioner

**VERSUS**

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr.Gurinder Singh Hayer, Advocate  
for the petitioner.

Mr.Varun Sharma, Asstt. Advocate General, Punjab  
for the respondent-State.

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**INDERJIT SINGH, J.**

The present revision has been filed by the petitioner Sahib Singh against State of Punjab, challenging the impugned judgment dated 02.08.2014 passed by learned Sessions Court, Sri Muktsar Sahib.

It is stated in the grounds of revision that petitioner was challaned to face trial for the offences under Sections 379/411 IPC. The allegations, on which the petitioner has faced the prosecution as per the contents of the FIR, are that on 22.02.2008 at about 8.00 p.m., SI Rajanparminder Singh along with other police officials conducted checking of three wheeler on which accused petitioner Sahib Singh was travelling. Lakhwinder Singh was sitting on the

generator sets being carried in the three wheeler. They were arrested. During investigation, bills of generator sets were taken into police possession. The owners identified their generator sets and on completion of investigation, challan was presented.

Learned Addl. Chief Judicial Magistrate, Sri Muktsar Sahib convicted the present petitioner along with co-accused under Section 411 IPC and sentenced them to undergo rigorous imprisonment for a period of 2½ years and to pay fine of ₹1,000/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of 15 days. An appeal was filed by the petitioner and other co-accused and learned Sessions Judge, Sri Muktsar Sahib reduced to the sentence of the petitioner and co-accused and directed them to undergo rigorous imprisonment for a period of six months instead of 2½ years under Section 411 IPC.

Aggrieved from the above-said judgment passed by learned Sessions Judge, Sri Muktsar Sahib, present revision petition has been filed.

At the time of preliminary hearing, learned counsel for the petitioner mainly relied upon the order passed in CRR No.2603 of 2014, in which co-accused were granted benefit of reduction of the sentence and notice of motion was issued. Learned State counsel appeared and contested the revision petition.

At the time of arguments, learned counsel for the petitioner only prayed for reduction of sentence and has not argued on merits.

After hearing learned counsel for the petitioner as well as

learned State counsel and after going through the record, I find that the petitioner is a poor person and only bread earner of the family and suffering from long protracted criminal proceedings since 2008. The lower Appellate Court reduced the sentenced of the petitioner and directed him to undergo rigorous imprisonment for a period of six months and as per custody certificate, the petitioner has already undergone sentence of three months and one day.

Keeping in view the facts and circumstances of the present case, recovery from the petitioner and in view of the fact that petitioner is poor person, only bread earner of the family and is suffering from long protracted criminal proceedings for the last about eight years, the sentence imposed upon the petitioner is reduced to the sentence already undergone by him, subject to payment of fine, if already not paid

Resultantly, the present revision petition stands partly allowed.

**March 18, 2016**  
Vgulati

**(INDERJIT SINGH)**  
**JUDGE**