

**Criminal Revision No.4343 of 2015 (O & M)**

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**IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH**

Sr. No.: 224

**Criminal Revision No.4343 of 2015 (O & M)**

**Date of Decision: *September 28, 2016***

**SUKHJINDER SINGH @ BAGGO**

..... PETITIONER

*VERSUS*

**STATE OF PUNJAB AND ANOTHER**

..... RESPONDENTS

...

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

...

**PRESENT:** - Mr. Sarabjit Singh, Advocate, for the petitioner.

Mr. B.S. Cheema, Deputy Advocate General, Punjab,  
for respondent No.1-State.

. . .

**Jaspal Singh, J.**

1. The instant revision has been preferred by Sukhjinder Singh @ Baggo challenging judgment/order dated August 07, 2013, passed by the Judicial Magistrate Ist Class, Amritsar, in case bearing FIR No.251, dated December 10, 2008, under Sections 304-A, 279, 427, 337 IPC, registered at Police Station "A" Division, District Amritsar as well as judgment dated July 29, 2015 passed by learned Additional Sessions Judge, Amritsar. Vide judgment/order dated August 07, 2013, he was convicted and sentenced as under:-

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ANKUR GOYAL  
2016.10.17 15:19  
I attest to the accuracy and  
authenticity of this document [2]

| Name of Accused             | U/s                  | RI                    | Fine (₹ )      | In default (S.I.)  |
|-----------------------------|----------------------|-----------------------|----------------|--------------------|
| Sukhjinder Singh @<br>Baggo | 304-A IPC<br>279 IPC | 02 years<br>06 months | 500/-<br>300/- | 03 days<br>02 days |

Dis-satisfied with the aforesaid judgment/order, the accused – petitioner preferred an appeal which was also dismissed vide judgment dated July 29, 2015 passed by the lower appellate court. Aggrieved from the judgments passed by both the courts below petitioner filed this revision petition.

2. While issuing notice of motion on November 16, 2015, following order was passed by a Co-ordinate Bench of this Court:-

**“CRM No.37077 of 2015**

Heard.

Application is allowed for the reasons stated therein. Delay of 3 days in filing the revision petition, is condoned.

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On an oral request made by learned counsel for the petitioner, complainant is impleaded as respondent No.2.

During the course of arguments, learned counsel for the petitioner has not challenged the conviction of the petitioner under Sections 279 and 304-A of Indian Penal Code, 1860, but has submitted that sentence qua imprisonment of the petitioner be reduced.

Notice of motion for 11.12.2015.”

3. 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.

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

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court and upheld by the lower appellate court. Apart from the fact that petitioner is facing the agony of protracted trial for approximately 07 years & 10 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. Moreover, petitioner had already suffered incarceration for a period of 01 years, 05 months & 21 days (including remission) by now, as is evident from custody certificate dated September 28, 2016. Thus, this court is of the considered view that a chance be given to the petitioner to reform & improve himself; to become good responsible citizen/person.

5. 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. Petitioner is hereby directed to be released forthwith.

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

**CRM No. 37078 of 2015**

The instant application for suspension of sentence is rendered infructuous since the main petition has been disposed of with modification in sentence imposed upon the petitioner.

**September 28, 2016**  
avin/ankur

**(Jaspal Singh)**  
**Judge**

**Whether speaking/reasoned**

**Yes/No**

**Whether reportable**

**Yes/No**