

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRR No.832 of 2016 (O&M)****Date of Decision: March 04, 2016**

Hemant

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Rajender Singh Duggal, Advocate
for the petitioner.

Mr.Himmat Singh, Deputy Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Hemant against State of Haryana, challenging the impugned judgment of conviction and order of sentence dated 04.08.2015 passed by learned Addl. Chief Judicial Magistrate, Panchkula, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of one month and to pay fine of ₹500/- and in default of payment of fine, to further undergo simple imprisonment for a period of seven days under Section 174-A IPC and also challenging the judgment dated 18.02.2016 passed by learned Sessions Judge, Panchkula, vide which appeal filed by petitioner was dismissed.

Notice of motion was issued and learned State counsel appeared and contested the petition.

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

As per the facts of the case, the present petitioner, who had been declared as a 'Proclaimed Person' in case FIR No.237 dated 16.09.2013 under sections 279 and 304-A IPC, Police Station Chandimandir vide order dated 21.11.2014, was apprehended. Since he had already been declared 'Proclaimed Person', the FIR in the present case was got registered and the matter was investigated. After necessary investigation, report under Section 173 Cr.P.C. was presented before the Court.

In support of its case, prosecution examined PW-1 ASI Mansa Ram, PW-2 Bhagwan Dass, Criminal Ahlmad and PW-3 ASI Ilam Singh.

At the time of arguments, learned counsel for the petitioner has not argued anything on merits and did not dispute the concurrent findings given by learned Courts below regarding conviction. He contended that the petitioner is in custody since 18.02.2016 and prayed for lenient view.

Keeping in view the facts and circumstances of the present case and in view of the fact that petitioner has only been sentenced to undergo rigorous imprisonment for a period of one month and to pay fine of ₹500/- and he has already undergone imprisonment of more than 15 days till today and further in view of the fact that the petitioner

is suffering from criminal proceedings since long, the sentence of the petitioner is reduced to the sentence already undergone by him. Petitioner Hemant, who is in custody, be released forthwith, if his custody is not required in any other case, subject to payment of fine, if already not paid.

Resultantly, present revision petition stands partly accepted.

March 04, 2016
Vgulati

(INDERJIT SINGH)
JUDGE