

221 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 93 of 2016 (O&M)
DECIDED ON: APRIL 28, 2016

HARBHAJAN 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. Inderjit Sharma, Advocate
for the petitioner.

Mr. A.S. Sidhu, AAG, Punjab.

JASPAL SINGH, J

1. The instant revision has been preferred by Harbhajan Singh challenging judgment dated December 18, 2015 passed by learned Additional Sessions Judge, Gurdaspur, whereby judgment of conviction and order of sentence dated September 11, 2015 passed by Judicial Magistrate Ist Class, Batala, in case bearing FIR No.46 dated March 23, 2010 under Sections 420, 466, 468, 471 and 120-B IPC, Police Station, Qadian has been upheld, vide which, the accused – petitioner has been sentenced as under:-

Name of Accused	U/s	RI	Fine (₹)	In default (R.I.)
Harbhajan Singh	466 IPC	Six months	100/-	One week
	468 IPC	Six months	300/-	-do-
	471 IPC	Three months	200/-	-do-

2. Here it would be pertinent to mention that at the time of issuance of notice of motion, petitioner did not challenge his conviction on merits and only confined his relief qua quantum of sentence.

3. After bestowing due consideration and keeping in view the entire facts and circumstances, this Court is also 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 for the last more than 5 years after registration of the instant case, he is the only bread winner in the family, having three daughters. There is no one in the family to take care of them as his wife had already been taken away by the nature. Accused – petitioner is first offender. There is no other case of similar nature, either pending or disposed of, against him. Moreover, by now petitioner has already suffered incarceration for a period of more than 03 months out of total substantive sentence of six months. 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 but with no change in the fine clause.

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

CRM No. 802 of 2016

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

APRIL 28, 2016
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(JASPAL SINGH)
JUDGE