

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

**CRR No.933 of 2016 (O&M)
Date of Decision: August 12, 2016**

Pritpal Singh alias Pritu

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.P.S.Sullar, Advocate
for the petitioner.

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

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Pritpal Singh alias Pritu against respondent State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 12.03.2014 passed by learned Judicial Magistrate Ist Class, Patiala, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of ₹200/- under Section 25(1B)(a) of the Arms Act and in default of payment of fine, to undergo simple imprisonment for a period of one week and also challenging the judgment dated 11.02.2016 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.

From the record, I find that the challan was presented against petitioner in case FIR No.52 dated 24.04.2007. The brief facts of the case as noted down in the judgment passed by learned JMIC, Patiala, are as under:-

“2. Briefly the facts of prosecution case are that on 22.04.2007 when ASI Harwinder Singh along with police party was on patrolling duty in connection with checking of bad elements, then he got secret information that Pritpal Singh @ Preeto s/o Prem Singh, Kamaljit Singh @ Soni s/o Gurbachan Singh and Sukhvir Singh @ Sukha have in 2004 extorted an amount of Rs.4 lacs from Commission agents at gun point. Out of them Pritpal Singh and Kamaljit Singh are now again planning to extort money from other persons and can be apprehended with various arms red handed sitting under a tree on the left side of pulli. In the meantime, Subegh Singh s/o Bela Singh r/o Vihal Colony, Patiala came there which was included in the police party. As per secret information received from the informer, two persons were found sitting under the tree. They were asked their names who disclosed their name as Pritpal Singh @ Preetu and Kamaljit Singh @ Soni. On search of Pritpal Singh, one pistol was found from the right pocket of his trouser and two live cartridges were also recovered. One cartridge was lying in the pistol. Khakha of pistol was prepared. Pistol as well as live cartridges were taken into police possession vide different memos. On personal search of Kamaljit Singh, three live cartridges 315 bore were recovered from right pocket of trouser which were taken into police possession vide separate memos. Ruqa was sent U/Ss 398/401 IPC and 25, 54, 59 of Arms Act. Site plan of occurrence was prepared. Accused were arrested. Statements of witnesses were recorded. After the completion of investigation, challan against the accused was presented U/Ss 25, 54, 59 of Arms Act in the Court u/s 173 Cr.P.C.”

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 11.02.2016.

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

Learned counsel for the petitioner argued that petitioner is suffering from criminal proceedings since the year 2007. He further contended that petitioner is HIV patient as per the documents produced on the record. He also contended that the petitioner has already undergone 7 months and 6 days of actual sentence, though as per custody certificate dated 11.08.2016, the under trial period of the petitioner from 25.04.2007 to 30.05.2007 has been shown as 6 days instead of 1 month and 6 days.

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 suffering from long protracted criminal proceedings since 2007 i.e. for the last about nine years and he is HIV patient, the sentence imposed upon the petitioner is reduced and he is directed to undergo rigorous imprisonment for a period of eight months instead of one year under Section 25(1B)(a) of the Arms Act. However, the sentence of fine and in default thereof, will remain the same.

With the above-said modification in the sentence, the present revision petition stands dismissed.

August 12, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No