

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No. 1649 of 2011 (O&M)

Date of Decision: 04.08.2017

OM PARKASH AND OTHERS

...Petitioners.

VS.

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. Aman Pal, Advocate,
 for the petitioner.

Mr. R.K. Makkad, DAG, Haryana.

KULDIP SINGH, J. (ORAL)

Custody Certificate dated 03.08.2017 in respect of petitioner No. 4 Sukhbir Singh, has been filed in the Court today showing the total period of sentence undergone by him as 4 months and 2 days including remissions. It is further submitted that the other three petitioners have also undergone the same period of sentence.

The petitioners, who are the ex-police officials, were convicted by the learned Judicial Magistrate Ist Class, Jhajjar vide judgment of conviction dated 21.02.2011 and order of sentence dated 23.02.2011 and sentenced to undergo rigorous imprisonment for a period of two years under Section 222 (ii) of the Indian Penal Code and also sentenced to sentenced to undergo rigorous imprisonment for a period of one year under Section 223 of the Indian Penal Code. Both the sentences were ordered to run concurrently. However, in appeal against the aforesaid judgment and order, learned Sessions Judge, Jhajjar vide judgement dated 19.07.2011 has acquitted the petitioners of the charges under Section 222 (ii) IPC and has set aside their sentence under this Section. However, their conviction under Section 223 IPC was maintained.

Learned counsel for the petitioner has pressed the present revision petition only on the point of quantum of sentence.

The brief of the allegations against the petitioners are that they were entrusted with the custody of one Vijay @ Jaggu, who was facing trial and undergoing imprisonment in a murder case and in some other cases, was

granted time w.e.f. 14.09.2007 to 24.09.2007 for his own marriage. However, said Vijay @ Jaggu managed to escape from their custody on 22.09.2017 on the pretext that he has to go to the toilet to answer the call of nature.

Since, the merits of the case are not being challenged, therefore, this Court will not go into the same.

Learned counsel for the petitioner has stated that the petitioners have already lost their jobs and remained in custody for more than four months. It is further stated that they are the only bread-earners of their respective families. Neither, there was any bad entry in their service records nor any criminal case is pending against them, therefore, a lenient view may be taken regarding quantum of their sentence.

This Court is being informed that said Vijay @ Jaggu was later on arrested and presently confined in jail.

Considering the entirety of circumstances, sentence of rigorous imprisonment of 1 year awarded to petitioners under Section 223 IPC is hereby reduced to sentence of simple imprisonment for a period of 6 months.

Since, petitioners are on bail, they are ordered to be re-arrested to undergo remaining part of their sentence.

August 4, 2017

Suresh Kumar

**(KULDIP SINGH)
JUDGE**

Whether speaking / reasoned	:	☒	Yes	/	☐	No
Whether Reportable	:	☐	Yes	/	☒	No