

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

**CRR No.2641 of 2011 (O&M)
Date of Decision: March 01, 2017**

Basant @ Bhola

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Kanwar Satbir Singh, Advocate
for the petitioner.

Mr.Parveen Aggarwal, Deputy Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Basant @ Bhola against respondent State of Haryana, challenging the impugned judgment of conviction and order of sentence dated 15.10.2009 passed by learned Addl. Chief Judicial Magistrate, Jhajjar, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of three years and to pay fine of ₹100/- and in default of payment of fine, to further undergo imprisonment for a period of seven days under Section 8/9 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 and also challenging the order dated 08.08.2011 passed by learned Sessions Judge, Jhajjar, vide which appeal filed by petitioner was dismissed being

time barred.

From the record, I find that the challan was presented against petitioner in case FIR No.33 dated 13.02.2008. The brief facts of the case as noted down in the judgment passed by learned ACJM, Jhajjar, are as under:-

“2. According to the prosecution story, convict Basant @ Bhola son of Sardara Caste Jat Hindu R/o village Behrana, Police Station, Beri District Jhajjar was undergoing imprisonment for 10 years rigorous imprisonment in case FIR no.67 dated 6.4.2003 under section 395/120B of IPC & 25 of Arms Act 1959, Police Station Sample by the Court of Shri Vinod Jain the then Addl. Sessions Judge, Rohtak vide judgment dated 10.1.2004. The said accused was also convicted and sentenced to rigorous imprisonment for 10 years in case FIR No.65 dated 7.4.2003 under section 395/412 of IPC, police station Narnaund by the court of Ms.Bimlesh Tanwar Addl. Sessions Judge, Fast Track Court Hisar, vide judgment dated 17.8.2007. The above named accused was confined in District Jail, Rohtak. The said accused was released on 14.11.2007 for 4 weeks parole with the direction to surrender at Rohtak Jail on 13.12.2007 the convict had not surrendered at Rohtak Jail on dated 13.12.2007. His surety bond and personal bond were accepted by the office of Ld. District Magistrate, Jhajjar vide letter no.109/Peshi/II dated 25.10.2007. On the basis of letter dated 24.12.2007 written by Superintendent District Jail Rohtak to District Magistrate Jhajjar on the above stated allegations a case FIR no.33 dated 13.2.2008 under Section 8/9 of the Parole Act, was registered.”

Learned ACJM, Jhajjar, 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 Sessions Judge, Jhajjar, being time barred vide order dated 08.08.2011.

Aggrieved from the above-said judgment and order, present revision petition has been filed by the petitioner.

At the time of arguments, learned counsel for the petitioner did not dispute the concurrent findings given by learned Courts below,

regarding conviction and only contended on the point of reduction of

sentence. Learned counsel for the petitioner argued that petitioner is suffering from the criminal proceedings since 2008 and has already undergone actual sentence of 2 years and 7 days.

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

In view of the evidence, I find that the prosecution has duly proved its case by leading cogent evidence beyond reasonable doubt. Therefore, the judgment of conviction dated 15.10.2009 passed by learned ACJM, Jhajjar, is correct, as per law and does not require any interference from this Court.

However, keeping in view the facts and circumstances of the present case and in view of the fact that petitioner is facing long protracted criminal proceedings since 2008 i.e. for the last about 9 years and also in view of the fact that petitioner has already undergone actual sentence of 2 years and 7 days, the sentence imposed upon the petitioner is reduced to the sentence already undergone by him. However, the sentence of fine and in default thereof, shall remain the same. The petitioner is directed to pay the fine within one month from the date of receiving the certified copy of the order, if already not paid, otherwise, the trial Court is directed to take necessary action as per law.

Therefore, the present revision petition stands partly allowed.

Since, petitioner Basant @ Bhola is on bail, his bail/surety bonds stand discharged.

March 01, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No