

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

CRR No.3568 of 2016 (O&M)

Date of decision: 18.03.2017

Baljinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Rituraj Singh, Advocate
for Mr. K.B.S. Mann, Advocate
for the petitioner.

Mr. Ankur Jain, AAG, Punjab.

Mr. Sanjiv Gupta, Advocate
for the complainant.

REKHA MITTAL J.

Baljinder Singh son of Isher Singh faced trial for commission of offence punishable under Sections 498-A and 406 of the Indian Penal Code (in short 'IPC') in FIR No.86 dated 07.07.2009 registered at Police Station Sadar, Malout.

The learned trial Court on 21.12.2015 convicted and sentenced the petitioner for commission of offence punishable under Section 406 IPC and he was sentenced to rigorous imprisonment for a period of 02 years and fine of Rs.1,000/-.

The petitioner filed an appeal but remained unsuccessful. Conviction and sentence of the petitioner for offence under Section 406 IPC was affirmed with slight modification that he was directed to undergo rigorous imprisonment for 15 days in default of payment of fine.

On 29.11.2016, notice was issued on the question of quantum of sentence.

Counsel for the petitioner has submitted that the petitioner has already suffered custody for a period of about 08 months who otherwise faced the criminal proceedings for the past about 08 years. The petitioner is ready to pay a reasonable amount of compensation to the complainant. He prays that substantive sentence may be reduced to the period already undergone.

Counsel for the State assisted by counsel for the complainant has seriously opposed the prayer for reduction in sentence. However, counsel for the complainant would submit that the petitioner is liable to compensate the complainant as he is guilty of mis-appropriating articles of Istridhan belonging to her.

I have heard counsel for the petitioner and perused the paperbook.

Concededly, the petitioner is behind the bars for the past about 08 months. Keeping the petitioner behind the bars for a period of 02 years to complete the sentence may not serve any useful purpose as his wife who has suffered is required to be compensated.

Taking into consideration totality of the facts and circumstances obtaining in the case, it is ordered that sentence of the petitioner shall be reduced to imprisonment for a period of 11 months provided he deposits an amount of Rs.1,00,000/- in the Court of learned Chief Judicial Magistrate, Muktsar Sahib, within a period of one month. In case the amount of Rs.1,00,000/- is not deposited within the stipulated period, no benefit of reduction of sentence shall accrue in

favour of the petitioner. The amount of Rs.1,00,000/-, if any, deposited by the petitioner shall be disbursed to the complainant – wife by Chief Judicial Magistrate, Muktsar Sahib.

With modification in the aforesaid terms, the instant petition stands disposed of.

(REKHA MITTAL)
JUDGE

18.03.2017
yakub

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No