

224 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR No. 4868 of 2016 (O&M)
Date of Decision: 30.08.2017

Pardeep Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Ashwani Nagra, Advocate,
for the petitioner.

Mr. Vikas Malik, D.A.G., Haryana.

SUDIP AHLUWALIA, J. (ORAL)

CRM No. 40997 of 2016:

Allowed, as prayed for.

CRR No. 4868 of 2016 &
CRM No. 40998 of 2016:

Fresh Power of Attorney is filed on behalf of Ld. counsel on
behalf of the applicant-petitioner is filed.

Custody certificate of the petitioner is produced by Ld. State
counsel; Be placed on record.

The petitioner in the present case was tried for the offence
under Section 411 of the Indian Penal Code. An F.I.R. under Section 379 of

the Indian Penal Code was lodged on the complaint of one Nirmail Singh on 17.09.2010, regarding missing of his motorcycle. The petitioner, along with some other persons, was arrested in connection with a separate F.I.R. No. 115, dated 09.09.2010, under Sections 457 and 380 of the Indian Penal Code. On the basis of their disclosure statements made during investigation of that F.I.R., recovery of the stolen motorcycle was allegedly effected. The petitioner was thereafter found guilty in the present case and was sentenced to undergo rigorous imprisonment for a period of two years, apart from a fine of ₹ 1,000/- (Rupees One Thousand Only).

It transpires that the fine has already been paid by the petitioner. The relief claimed by him is restricted only on the question of reduction of sentence of imprisonment without challenging his conviction on merits, which has already been noted in an earlier order passed by a Co-ordinate Bench of this Court on 27.04.2017.

From the custody certificate filed on behalf of the State today, it is seen that the petitioner has undergone imprisonment for a period of eleven months and twenty eight days till 28.08.2017, which means that he is completing exactly one year's imprisonment today.

The F.I.R. is of the year 2010 and admittedly he has faced a long trial thereafter. His case is similar to that of “**Shankar Lal Yadav Vs. State of M.P.**” (S.C.), 1994 SCC (Cri) 1409, in which conviction of the appellant for the same offence under Section 411 of the Indian Penal Code was upheld, but his sentence was reduced to the period already undergone.

In view of the similarity of the circumstances in the present

case, the sentence awarded to the petitioner is also reduced to rigorous imprisonment for a period of one year.

Disposed off.

30.08.2017

Apurva

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/ reasoned : Yes/ No

2. Whether reportable : Yes/ No