

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

CRR No. 2244 of 2017 (O&M)

Date of Decision: 16.08.2017

DALWINDER SINGH @ BITTU AND ANOTHER

...Petitioners

VS.

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. Vikas Sonak, Advocate,
for Mr. Amaninder Singh Sekhon, Advocate,
for the petitioners.

Mr. Arpinder Singh Sidhu, DAG, Punjab.

KULDIP SINGH, J. (ORAL)

Heard.

Learned counsel for the petitioners presses the present revision only on the point of quantum of sentence.

Both the petitioners in the present criminal revision were convicted by the learned Chief Judicial Magistrate Ist Class, Faridkot vide judgement of conviction and order of sentence dated 07.07.2015, under Sections 323/325 of IPC read with Section 34 of IPC and sentenced to undergo rigorous following imprisonment:-

Name of the Convict/Accused	Offence under section	Sentence
Dalwinder Singh @ Bittu	325 IPC	To undergo rigorous imprisonment for two years and to pay a fine of ₹1,000/- and in default of payment of fine to undergo imprisonment for one month under Section 325 IPC.
-Do-	323 IPC	To undergo rigorous imprisonment for six months.
Balwinder Singh @ Tari	325 IPC read with Section 34 IPC	To undergo rigorous imprisonment for two years and to pay a fine of ₹ 1,000/- and in default of payment of fine to undergo imprisonment for one month under Section 325 IPC read with Section 34
-Do-	323 IPC	To undergo rigorous imprisonment for six months.

However, all the sentences were directed to run concurrently.

In appeal, the learned Additional Sessions Judge, Faridkot vide order dated 02.06.2017 set aside the conviction and sentence of the accused-petitioners under Sections 325 read with Section 34 of IPC. However, conviction under Section 323 of IPC was upheld.

The short prayer made at this stage is for showing leniency in the sentence of the petitioner.

According to the custody certificates dated 23.07.2017 in respect of the accused-petitioners, filed in the Court today, it comes out that both the petitioners have undergone actual sentence of one month and twenty days including remissions. There is neither any previous conviction against the petitioners nor any other case is pending against them. This fact goes to show that the petitioners are the first offenders.

Keeping in view the fact that the petitioners are convicted for the first time and sufficient period of sentence has already been undergone by them, the sentence of rigorous imprisonment for six months awarded to the petitioners under Section 323 IPC, is ordered to be reduced to the period already undergone by them. It being so, both the petitioners i.e. Dalwinder Singh @ Bittu and Balwinder Singh @ Tari be released forthwith, if not required in any other case.

With this modification in the quantum of sentence of the petitioner as indicated herein above, the present revision petition stands partly allowed.

August 16, 2017

Suresh Kumar

(KULDIP SINGH)
JUDGE

Whether speaking / reasoned :

✓
Yes / No

Whether Reportable :

✓
Yes / No