

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRA-S-1434-SB-2011 (O&M)

Date of decision: 31.08.2018

Taljinder Singh @ Billa

..... Appellant

Versus

The State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Sanjeev Duggal, Advocate for the appellant.

Mr. Davinder Bir Singh, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

The instant appeal has been preferred by appellant-Taljinder Singh @ Billa against judgment of conviction and order of sentence dated 05.05.2011 of the learned Sessions Judge, Kapurthala, whereby he was convicted under Section 25 of the Arms Act and sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine ₹5000/-. In default thereof, further undergo rigorous imprisonment for a period of one month.

At the outset, learned counsel for the appellant contends that he does not challenge the impugned judgment qua conviction of the appellant on merits, but prays for leniency qua quantum of sentence.

As per custody certificate dated 02.08.2018, filed by learned State counsel, appellant-Taljinder Singh @ Billa, had already undergone a total sentence of 04 months and 04 days, out of the actual sentence of 1 year awarded to him.

Heard.

The appellant has been acquitted in the main case arising out of FIR No. 189 dated 05.09.2009, under Sections 307, 324, 427, 506, 148 and 149 IPC at Police Station City, Phagwara, vide judgment dated 01.06.2010 of the learned Sessions Judge, Kapurthala. The present case is offshoot of the said case and he has already undergone more than 1/3rd of his total sentence of one year. Considering this aspect of the matter, this Court is of the view that leniency is required to be taken in the matter of his sentence.

Resultantly, the impugned judgment of conviction dated 05.05.2011 passed by the trial Court is upheld. The appeal, to this extent, is dismissed. However, considering the custody period of the appellant, order of sentence of even date i.e. 05.05.2011 is modified to the extent that the sentence awarded to the appellant is reduced to the period already undergone.

Present appeal is disposed of as such.

August 31, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**