

CRR-3190 of 2016

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

CRR-3190 of 2016
Date of Decision: 04.07.2018

Surinder Singh and another

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Jaiteshwar Singh, Advocate,
for Mr. H.S. Brar, Advocate, for the petitioners.
Mr. Davinder Bir Singh, DAG, Punjab.
Mr. Abhishek Bhardwaj, Advocate, for the complainant.

RAMENDRA JAIN, J. (ORAL)

Present petition has been preferred by the petitioners against judgment dated 08.08.2016 of learned Additional Sessions Judge, Ludhiana, affirming the judgment of conviction and order of sentence dated 23.11.2015 of learned Judicial Magistrate Ist Class, Ludhiana, convicting and sentencing them under Sections 420 and 120-B IPC.

In nutshell, petitioners were booked, tried and convicted under Sections 420 and 120-B IPC in case FIR No.193 dated 25.08.2012 registered under Sections 420, 120-B IPC and 24 of the Emigration Act, 1983 at Police Station Basti Jodhewal, Ludhiana, and sentenced to undergo rigorous imprisonment for two years each and to pay fine of ₹1,000/- each under Section 420 IPC. In default to further undergo simple imprisonment for one month and for offence under Section 120-B IPC to undergo rigorous imprisonment for six months each. Both the sentences have been ordered to

run concurrently.

Ravinder Singh
2018.07.06
I attest to the accuracy and
authenticity of this document

Learned counsel for the petitioners states that he does not

CRR-3190 of 2016

challenge the impugned judgments qua conviction of the petitioners on merit. The parties have compromised the matter. Therefore, quantum of sentence of the petitioners may be taken into consideration with leniency. He further contended that the criminal trial is hanging on the heads of the petitioners like damocle's sword for last many years and it should be a sufficient mitigating circumstance to treat them leniently as the petitioners have suffered the ordeal for a long period.

Learned State counsel contends that in order dated 22.10.2016, this Court has specifically observed that the factum of compromise between the parties was not refuted by the State.

I have heard the learned counsel for the parties and perused the record.

As per custody certificates filed by learned State counsel today, which are taken on record, petitioner No.1 – Surinder Singh has undergone a total sentence of 03 months and 10 days, which includes remission of 04 days whereas petitioner No.2 – Madan Lal has undergone a total sentence of 02 months and 22 days, which includes remission of 04 days.

Considering the overall facts and circumstances of the case and the fact that petitioners have faced the protracted trial for about six years, this Court is of the view that no useful purpose will be served by sending them behind the bars further. More so, the compromise entered in between the parties would bring peace and harmony in their relations. Accordingly, the impugned judgment of conviction is hereby upheld. The petition to this extent is dismissed. However, in view of the above discussion, order of sentence dated 23.11.2015 is modified to the extent that the sentence

awarded to the petitioners is reduced to the period already undergone. It goes without saying that if the amount of fine is not deposited, the

CRR-3190 of 2016

petitioners will serve the remaining part of sentence.

With the observations made above, present revision petition is disposed of.

July 04, 2018
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No