

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

**CRR No.1055 of 2017 (O&M)
Date of Decision: 15.02.2018**

Gurpreet @ Gora Singh and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE H. S. MADAAN

Present: Mr. Vikas Bishnoi, Advocate
for the petitioners.

Mr. Sulinder Kumar, AAG, Haryana.

H. S. MADAAN J. (ORAL)

Gurpreet @ Gora Singh and Ram Singh @ Jangir Singh along with one Harbans Singh @ Bansu, all of them being accused in FIR No.470 dated 27.07.2014 for offence under Section 379 IPC registered at Police Station City Fatehabad faced trial by learned Additional Chief Judicial Magistrate, Fatehabad and vide judgment dated 24.02.2015, they were convicted for the offence under Section 411 IPC and as per order dated 25.02.2015, they were sentenced to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.3000/- each and in default of payment of fine, to undergo further simple imprisonment for one month. Fine was not paid in the trial Court.

Feeling dissatisfied with the said judgment of their conviction and other sentence, Gurpreet @ Gora Singh, Ram Singh @ Jangir Singh had preferred an appeal to Court of Sessions, which was assigned to Additional Sessions Judge-I, Fatehabad, who vide judgment dated

20.02.2017 dismissed the appeal and accused convicts were ordered to be taken into custody.

As such the convict approached this Court by way of filing of the criminal revision petition.

Notice was given to the State.

I have heard learned counsel for the parties.

Learned counsel for the petitioners has contended that he does not challenge the judgment passed by the Courts below as regards the conviction part but wants to make submissions regarding the sentence part. He has further contended that the above petitioners are poor person and their families are dependent upon them for financial support; they have old parents and small children to look after, therefore, a lenient view in the matter be taken.

Though learned State counsel has opposed this fact and contended that they are involved in several other criminal cases also and if leniency is shown to them, they would return to the path of crime again. Learned counsel for the petitioners has contended that the petitioners have since been acquitted in six cases, registered upon them.

As per the custody certificate filed by learned counsel for the petitioners, genuineness of which, is not disputed by learned State counsel, Gurpreet @ Gora Singh has undergone total sentence of 01 year, 04 months and 21 days whereas Ram Singh @ Jangir Singh has undergone 01 year, 04 months and 22 days out of the total sentence of 03 years. In my view, ends of justice shall be adequately met, if the petitioners are sentenced to imprisonment already undergone by them in

this case. Therefore, impugned judgments are upheld as regards the conviction part, however, with respect to the sentence portion, those are modified as mentioned *supra*. However, the fine part remains intact. It is ordered accordingly.

As mentioned in the impugned judgment passed by Additional Sessions Judge-I, Fatehabad on 20.02.2017, the fine has been paid by the appellant.

The criminal revision petition stands disposed of.

(H. S. MADAAN)
JUDGE

February 15, 2018

rittu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No