

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

**CRR-344-2017 (O&M)
Date of decision: 04.05.2018**

Harjinder Singh @ Ginni

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. P. S. Sekhon, Advocate,
for the petitioner.

Mr. A. S. Sandhu, Addl. A. G., Punjab.

JAISHREE THAKUR, J. (Oral)

This is a revision petition instituted by Harjinder Singh @ Ginni son of Jasbir Singh, who was held guilty for committing offence punishable under Section 354 and 451 of the IPC, vide judgment dated 05.09.2014, passed by the Judicial Magistrate First Class, Malerkotla and by order of the even date, he was sentenced as under:

Under Section 354 IPC	To undergo rigorous imprisonment for a period of one year and to pay a fine of ₹500/-. In default thereof, to further undergo imprisonment for one month.
Under Section 451 IPC	To undergo rigorous imprisonment for a period of six month and to pay a fine of ₹500/-. In default thereof, to further undergo imprisonment for two weeks.

Both the sentences were ordered to run concurrently.

Aggrieved, the petitioner preferred an appeal against the aforesaid judgment, however, the appeal too was dismissed by learned Additional Sessions Judge, Sangrur by order dated 13.12.2016 affirming the

judgment of conviction and order of sentence passed by the trial Court.

Against the impugned judgments dated 05.09.2014 and 13.12.2016, passed by the trial Court as well as by the appellate Court, accused-petitioner has come up in this revision petition before this Court.

In brief, the facts of the case, as per prosecution, are that on 29.09.2012, ASI Kulwant Singh along with the police party were present at Bus Stand, Khurd in connection with patrolling where the complainant, wife of Julfkar Ali, suffered a statement that she is resident of village Kothala and her in-laws house is situated at village Bhasaur. She further stated that about one year ago, she solemnized court marriage with Julfkar Ali, who is resident of village Kothala. On 28.09.2012 at about 09:30 AM, she was alone in the house as her husband, her mother-in-law Nazma and father-in-law Charag Din had gone to the village in connection with some domestic work and her sisters-in-law had gone to college. Somebody knocked the door of her house. When she opened the gate, she saw a motorcycle of red colour on which one person was sitting. Suddenly, accused-petitioner herein entered into her house and in order to outrage her modesty, he caught hold of her right arm and also tried to hug her. On this, she raised hue and cry and in the meantime, her husband came there. On seeing her husband, accused-petitioner ran away from the spot with the unidentified person who was sitting on the motorcycle. On the statement of the complainant, a formal FIR was registered against the accused and they were arrested. After completion of investigation, challan was presented against accused Harjinder Singh and Narinder Singh.

Finding a prima facie against the accused for committing offence punishable under Sections 354 and 452 read with 34 of the IPC, they were

chargesheeted accordingly, to which they pleaded not guilty and claimed trial.

After hearing both the counsel for the parties and appraising the entire evidence and material on record, the accused-petitioner was firstly convicted by the learned trial Court and thereafter the judgment of conviction was maintained by the learned Additional Sessions Judge, Faridabad as mentioned in the earlier part of this judgment. However, accused Narinder Singh @ Vicky was acquitted by the trial Court by giving him benefit of doubt.

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

At the very outset, learned counsel for the petitioner/revisionist contended that in-fact the petitioner has already undergone substantive period of his sentence. The total period of sentence awarded is one year. Petitioner-revisionist has already faced protracted trial. Counsel for the petitioner submits that he does not assail the findings of the conviction recorded against the petitioner by both the Courts below in case his sentence is reduced to the one already undergone by him.

Mr. A. S. Sandhu, Addl. A. G., Punjab, opposes this prayer while submitting that there is no infirmity in the orders so passed.

There is little scope of the High Court interfering in the revision petition filed as there is no infirmity in the orders passed. From the custody certificate, placed on file today in the Court, it is evident that the revisionist has already undergone 04 months and 06 days inclusive of remissions. The total period of sentence awarded is one year. The incident is of the year 2012. The petitioner has faced protracted trial. During the period of trial, the

petitioner has undergone agony of trial. Under these circumstances, I am of the considered view that the ends of justice would be met in case the order of sentence is modified by reducing the sentence of the petitioner to the one already undergone.

Therefore, while affirming the judgment of conviction of the petitioner, the order of sentence dated 05.09.2014 which was affirmed by the learned Additional Sessions Judge, Sangrur, vide judgment dated 13.12.2016; is modified by reducing the same to the one already undergone by the petitioner. However, the sentence of fine shall remain intact.

Disposed of, accordingly.

The amount of ₹30,000/-, deposited by the petitioner with the trial Court in terms of the order dated 29.03.2017, be released in favour of the victim/complainant.

04.05.2018
Waseem Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No