

CRR-1489 of 2018 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1489 of 2018 (O&M)
Date of Decision: 07.09.2018

Gurwinder Singh and another
....Petitioners

Versus

State of Punjab
....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. J.S. Khiva, Advocate, for the petitioners.
Mr. Harpreet Multani, AAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Custody certificates filed in Court today are taken on record.

At the outset, learned counsel for the petitioners contends that he does not challenge the impugned judgment of conviction dated 19.05.2014 of the trial Court holding petitioners guilty under Sections 419, 468 and 120-B IPC and judgment dated 02.02.2018 of the First Appellate Court, affirming the same on merit. However, leniency may kindly be taken qua order of sentence dated 19.05.2014, sentencing the petitioners as under: -

Name of Convict	Under Section	Imprisonment	Fine	In default of fine
Gurwinder Singh	419 IPC	R.I. for one year	₹2,000/-	R.I. for one month
	468 IPC	R.I. for one year	₹2,000/-	R.I. for one month
Manvir Singh	419/120-B IPC	R.I. for one year	₹2,000/-	R.I. for one month
	468/120-B IPC	R.I. for one year	₹2,000/-	R.I. for one month

Learned counsel for the petitioners contends that criminal trial is hanging on their heads like damocle's sword for the last eight years and it should be a sufficient mitigating circumstance to treat them leniently. The

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petitioners have already suffered ordeal for a long period. They are first offenders and have undergone substantial part of their sentence.

Heard.

According to custody certificates out of total sentence of one year, petitioner No.1-Gurwinder Singh has undergone actual sentence of 07 months and 28 days, whereas petitioner No.2-Manvir Singh has undergone actual sentence of 07 months 04 days.

Considering the fact that petitioners are the first offenders, as on date, they are not booked in any other criminal offence and are in their prime youth, so there are good chances of their reformation and of becoming good citizens, impugned order of sentence is accordingly modified to the extent already undergone for the date of their release. However, judgments of conviction are upheld.

With the observations made above, present revision petition is disposed of with a direction that the petitioners be released immediately, if not required, in any other case.

September 07, 2018
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No