

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

**CRR-342-2018 (O&M)**

Date of Decision:- 17.11.2018

Balihar Singh

... Petitioner

Versus

State of Haryana

... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. D.S.Virk, Advocate, for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

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**GURVINDER SINGH GILL, J. (Oral)**

Petitioner Balihar Singh has filed this revision petition challenging judgment dated 20.12.2017 passed by learned Additional Sessions Judge, Kaithal whereby his appeal challenging his conviction as recorded by learned learned Judicial Magistrate 1<sup>st</sup> Class, Guhla for offence under Sections 420, 467, 468, 471 and 120-B IPC had been dismissed.

When the matter was listed for preliminary hearing on 4.5.2018, a Co-ordinate Bench while noticing that there were no grounds to interfere with the conviction of the petitioner had issued notice of motion to consider the propriety of quantum of sentence.

I have heard the learned counsel for the petitioner qua the quantum of sentence. The petitioner has been imposed sentence in the following manner:

| Offence under Section | Sentence       | Fine    | In default      |
|-----------------------|----------------|---------|-----------------|
| 420 IPC               | RI for 2 years | ₹1000/- | SI for 6 months |
| 467 IPC               | RI for 2 years | ₹1000/- | SI for 6 months |
| 468 IPC               | RI for 2 years | ₹1000/- | SI for 6 months |
| 471 IPC               | RI for 2 years | ₹1000/- | SI for 6 months |

The learned counsel for the petitioner has submitted that he is a first offender and that although the Passport in question had already been issued to his wife but the same was never used in any manner and his wife had never travelled abroad on the said Passport. It has thus been prayed that a lenient view may be taken and the sentence, as imposed may be reduced.

On the other hand, learned State counsel has submitted that in view of the nature of allegations, no case for further reduction of sentence is made out.

Having heard the learned counsel for the petitioner and learned State counsel, bearing in mind the nature of offences and also that the petitioner as of now has already undergone sentence of 1 year and 2 months, I find that there is room for reduction of sentence. It is thus ordered that the petition as such is partly accepted qua the quantum of sentence and the sentence, as imposed by the trial Court and upheld by the learned Appellate Court is reduced to the one already undergone. The findings shall however remain unaltered.

The revision petition stands accepted to the aforesaid limited extent regarding quantum of sentence.

The petitioner shall be released, provided he is not wanted in any other case.

**November 17, 2018**  
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**(Gurvinder Singh Gill)**  
**Judge**

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|----------------------------|----------|
| Whether speaking /reasoned | Yes / No |
| Whether Reportable         | Yes / No |