

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

**CRR-450-2018 (O&M)
Date of decision:3.5.2018**

Harpal Singh alias Lucky

.....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Gursharan Kaur Mann, Advocate
for the petitioner.

Mr. Harbir Singh Sandhu, AAG, Punjab
for the sole respondent.

MAHABIR SINGH SINDHU, J. (ORAL)

This revision petition has been filed for setting aside the impugned judgment dated 22.1.2018 passed by learned Additional Sessions Judge, SAS Nagar, Mohali vide which appeal filed by the petitioners against judgment dated 17.4.2014 passed by learned Chief Judicial Magistrate, SAS Nagar, Mohali vide which he was convicted for offence under Sections 326/34, 324/34 of the Indian Penal Code ('IPC' - for short) for a period of five years with fine has been partly allowed and conviction for offence punishable under Section 326 IPC was set-aside and he was convicted only for offences punishable under Sections 451, 324/34 IPC for a period of one year and fine clause was maintained.

At the very outset, learned counsel for the petitioner has not pressed the conviction and has confined her prayer only regarding the quantum of sentence. It is contended by learned counsel for the petitioner that out of total sentence of one year, he has already undergone actual sentence of five months and twenty seven days and that includes the post-conviction period of three months and ten days and even no previous conviction is attached to the petitioner. It is further contended by learned counsel for the petitioner that he has already undergone a substantial period of imprisonment, therefore a lenient view in the matter be taken and sentence awarded to him be reduced.

On the other hand, learned State counsel has fairly submitted that he has no objection, in case the sentence of the petitioner be reduced to already undergone.

Fresh custody certificate produced by the State counsel is taken on record and copy thereof has been supplied to the opposite side. A perusal of the custody certificate reveals that he has already undergone five months and twenty six days of actual sentence including post-conviction period of three months and ten days.

Undisputedly the petitioner is neither a previous convict; nor any other criminal case is pending against him, rather he is the first offender and facing the criminal proceedings since August, 2012 in the present case.

In view of the facts and circumstances of this Court, this Court is fully convinced that ends of justice would be met if conviction of petitioner – Harpal Singh @ Lucky is maintained and sentence is reduced

to as already undergone by him; whereas, part of sentence relating to payment of fine is kept intact.

Accordingly, the impugned judgment dated 22.1.2018 passed by the learned Additional Sessions Judge, SAS Nagar, Mohali is upheld as regards the conviction under Sections 451, 324/34 IPC is concerned and the sentence awarded to the petitioner is reduced to as already undergone by him.

With the above modification, the present criminal revision petition stands disposed off. The petitioner – Harpal Singh @ Lucky be released from the custody forthwith, if his custody is not required in any other case. Fine be paid accordingly, failing which the petitioner will undergo the sentence as awarded by learned Additional Sessions Judge.

Intimation in this regard be sent to the quarter concerned.

**(MAHABIR SINGH SINDHU)
JUDGE**

3.5.2018
Gaurav Sorot

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| 1. | Whether reportable? | Yes |
| 2. | Whether reasoned / speaking? | Yes |