

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

CRR No. 108 of 2019 (O&M)

Date of decision: 25.07.2019.

Kartar Singh and another

..... Petitioners.

Versus

State of Punjab

..... Respondent.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Rohan Sharma, Advocate, for the petitioners.

Ms. Sudeepti Sharma, DAG, Punjab, for the respondent.

Mr. Chiranshu Bansal, Advocate, for the complainant.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioners have challenged the judgments and orders of the Courts below whereby they have been convicted under Sections 467, 468, 471 and 120-B of the Indian Penal Code, 1860 ('IPC' - for short) and have been sentenced to undergo rigorous imprisonment for a period of three years and pay a fine of ₹3,000/- each for the offence under Section 467 IPC; besides, undergo further rigorous imprisonment for a period of three years and pay a fine of ₹3,000/- each for the offence under Section 468 IPC; undergo further rigorous imprisonment for a period of three years and pay a fine of ₹3,000/- each for the offence under Section 471 IPC and undergo further rigorous imprisonment for a period of three years and pay a fine of ₹1,000/- each for the offence under Section 120-B IPC.

Learned counsel for the petitioners contends that the allegations

in the FIR pertain to the execution of a sale deed by impersonating another lady in place of Inder Kaur, who had expired without any legal heir. He also contends that the FIR was lodged on the basis of misunderstanding and the matter has now been compromised between the parties to the satisfaction of the complainant. He further contends that petitioner No.1 is 70 years of age as recorded in the order of the trial Court and petitioner No.2 is also over 60 years of age. He also contends that the petitioners are not challenging the conviction and he is confining his prayer only to the sentence already awarded to the petitioners by the Courts below. He further contends that petitioner No.1 has undergone actual sentence of imprisonment of 7 months and 17 days whereas petitioner No. 2 has undergone actual sentence of imprisonment of 7 months and 8 days out of the total sentence of imprisonment of three years.

Mr. Chiranshu Bansal, learned counsel for the complainant states that the matter has indeed been compromised between the parties and he has 'no objection' if the sentence of the petitioners is reduced.

Heard.

After hearing learned counsel for the parties, especially when the petitioners have been convicted under Sections 467, 468, 471 and 120-B IPC and have been sentenced to undergo rigorous imprisonment for a period of three years; the petitioners have compromised the matter to the satisfaction of the complainant and they have undergone actual sentence of imprisonment of more than seven months out of the total sentence of imprisonment of three years and in view of 'no objection' by learned counsel for the complainant in case the sentence of imprisonment of the petitioners is reduced, this Court is

of the considered view that it would be in the interest of justice if the sentence of the petitioners is reduced to the period already undergone by them.

Consequently, while maintaining the conviction, the sentence of the petitioners is reduced to the period already undergone by them. The petitioners be released forthwith if not required in any other case.

With the above modification, the petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

25.07.2019
Ramesh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No