

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.588 of 2019

DATE OF DECISION: APRIL 2, 2019

SURJIT SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. B.S. BHALLA, ADVOCATE FOR THE PETITIONER.
MR. HARSIMAR SINGH SITTA, AAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

The petitioner has preferred this revision petition challenging the judgement dated 15.02.2019 passed by the Addl. Sessions Judge, Moga whereby the judgement passed by the trial Court convicting the petitioner under Section 411 IPC and sentencing him R.I. for 6 months and to pay a fine of ₹500/- and in default of payment of fine, to undergo a further period of 7 days was upheld.

Briefly, the facts of the case are that on 2.6.2013, a secret information was received by ASI Major Singh that Surjit Singh (petitioner) alongwith Gurwinder Singh @ Lucky were habitual of committing theft of cars and they were in possession of stolen Verna Car bearing Registration No.PB03-P-1976 and were going to Ludhiana Bypass to sell the same and if a raid would be conducted, they could be apprehended red handed. The said information was reduced into writing and based on the information, raid was conducted and accused Surjit Singh was apprehended alongwith the alleged stolen car, whereas, his co-accused Gurwinder Singh managed to escape.

FIR No.70 dated 2.6.2013 under Sections 379, 411 and 473 was registered at Police Station City South, Moga and investigation was carried out. Gurwinder Singh was also arrested and after completion of the investigation, a final report charging the petitioner and his co-accused for the offences under Section 379, 411 and 473 IPC was filed before the competent Court.

Statement of the accused-petitioner was recorded under Section 313 Cr.P.C. wherein he denied the allegations and pleaded false implication. Whereas, Gurwinder Singh admitted his guilt and did not claim trial.

The learned trial Court after examining the evidence on record and relying upon the testimony of witnesses held the accused guilty for the offence punishable under Section 411 IPC and convicted and sentenced him as noticed above.

Appeal filed against the aforesaid judgement of conviction and order of sentence was dismissed by the appellate Court.

Learned counsel appearing on behalf of the petitioner has contended that he does not press his challenge to the conviction part in the impugned judgement and restricts his prayer only to the reduction of sentence awarded to the petitioner.

Learned counsel for the petitioner has contended that as per the custody certificate, the petitioner has undergone 2 months and 2 days as on 1.4.2019 out of awarded sentenced of 6 months rigorous imprisonment. It has been further submitted that the occurrence pertains to the year 2013 and almost for the last 6 years, the petitioner is facing the agony of trial and appeal and no other case is pending against the petitioner. Learned counsel

prays that keeping in view the nature of offence, the conduct of the petitioner and the long period of trial and appeal suffered by the petitioner, some leniency may be shown towards him and the sentence of the petitioner may be reduced to the one already undergone by him.

Learned State counsel, on the other hand, has opposed the prayer made the learned counsel for the petitioner on the ground that as the petitioner was apprehended with stolen property in his possession, therefore, he deserves no leniency.

Considering the submissions of the learned counsel for the petitioner, this Court is of the opinion that as the petitioner has suffered the ordeal of protracted trial and appeal for the last almost 6 years, is not a previous convict and no other case is pending against him, therefore, ends of justice would be met, if the sentence of the petitioner is modified to the one already undergone by him.

In view of the above, while upholding the conviction of the petitioner under Section 411 IPC, the sentence of R.I. for 6 months awarded to the petitioner by the trial Court is reduced to the one already undergone by him. However, the fine and default clause shall remain intact. He be set at liberty forthwith, if his custody is not required in any other case.

With the above modification in reduction of sentence of the petitioner, the revision petition stands disposed off.

April 2, 2019
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No
Whether Speaking/Reasoned : Yes/No