

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

204

CRR-2027-2008 (O&M)

Date of decision : 05.11.2019

Narain Singh

... Petitioner

Versus

State of Haryana

.. Respondent

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the judgements and orders of the Courts below, whereby he has been convicted under Sections 419, 467, 120-B and 471 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for seven years.

Learned counsel for the petitioner contends that the allegations against the petitioner are that while he was Lambardar of the village, he had identified one-Roop Chand who stood surety for accused-Megh Singh. Megh Singh had later on absconded and notice was issued to Roop Chand under Section 446 Cr.P.C. Roop Chand did not appear in pursuance to the notice and consequently, penalty of Rs.50,000/- was imposed upon him which was ordered to be recovered as arrears of land revenue. Later, Roop Chand appeared and moved an application stating therein that he had never stood surety for accused-Megh Singh. Consequently, notice was issued to the petitioner who had identified Roop Chand. After recording evidence, the petitioner was convicted. He also contends that the petitioner was over 60 years of age at the time of the occurrence which took place in the year 2000. The petitioner is now about 80 years of age and is

suffering from various ailments. The petitioner is not involved in any other case. It has been recorded by the trial Court that the petitioner was not a previous convict and in the custody certificate furnished by the State counsel, the pendency of any other case against the petitioner is not reflected. He further contends that he is not challenging the conviction and would confine his prayer to the reduction in the quantum of sentence to the period already undergone.

Learned State counsel has filed custody certificate of the petitioner in Court, which indicates that the petitioner has undergone sentence of 02 months and 10 days out of the sentence of seven years.

Heard.

The petitioner is a first offender and is facing protracted criminal proceedings for almost two decades. The petitioner is not involved in any untoward incident after his sentence had been suspended by a Coordinate Bench of this Court on 22.10.2008. The petitioner is about 80 years of age and is stated to be suffering from various ailments. It would be too harsh to send the petitioner in custody at this stage to undergo the remaining sentence for an offence which took place in the year 2000. It would, thus, be in the interest of justice if the sentence of the petitioner is reduced to the period already undergone. While maintaining his conviction under Sections 419, 467 and 120-B IPC, the sentence of the petitioner is reduced to the period already undergone.

With the above modification, the petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

November 05, 2019
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Whether speaking/reasoned : Yes
Whether Reportable : Yes/No