

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

**CRR-432 of 2009 (O&M)**

**Date of decision: 16.11.2019**

**Shamsher Singh and another**

**....Petitioners**

**Versus**

**State of Punjab**

**....Respondent**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr.P.S.Brar, Advocate for the petitioners.

Mr.Hittan Nehra, Addl.AG Punjab.

**ANIL KSHETARPAL , J.**

The petitioners are in revision against the judgment of conviction passed by Chief Judicial Magistrate Faridkot confirming appeal by the Court of Sessions. Petitioners have been sentenced as under:

| <i>Name of accused</i> | <i>Offence u/s</i> | <i>Sentence of imprisonment</i> | <i>Fine</i> | <i>In default of payment of fine</i> |
|------------------------|--------------------|---------------------------------|-------------|--------------------------------------|
| Shamsher Singh         | 353 IPC            | RI 01 year                      | Rs.1000/-   | RI 15 days                           |
|                        | 379 IPC            | RI 02 years                     | Rs.2000/-   | RI 01 month                          |
| Harchara Singh         | 353 IPC            | RI 01 year                      | Rs.1000/-   | RI 15 days                           |
|                        | 379 IPC            | RI 02 years                     | Rs.2000/-   | RI 01 month                          |

Learned counsel for the petitioners after arguing for sometime, prays that they being first time offenders and having already faced protracted litigation for a period of 16 years, a lenient view be taken against them. He prays that petitioners have already undergone more than 3 months and 10 days of actual sentence.

It has been noticed that incident in question is of 8.7.2003 and

petitioners were alleged to be involved in theft of electricity and when the

officials of electricity department noticed, petitioners entered into scuffle.

Petitioners are facing protracted litigation since 2003. Their sentence was suspended vide order dated 04.05.2009. As per custody certificate, they have already undergone three months and 10 days of actual sentence. Custody certificate also shows that petitioner Shamsheer Singh was involved in another criminal case whereas Harcharan Singh petitioner is not involved in any other case.

Learned counsel for the petitioners has produced copy of judgment dated 5.9.2009 acquitting the petitioner in a criminal case arising from FIR No.68 dated 9.7.2001 under Sections 323/324 IPC, P.S.Sadar, Faridkot. Hence, there is no pending case against any of the petitioners.

As noticed above, petitioners were released on bail in the year 2009. In the considered view of this Court, now at this stage, after a period of 10 years from the date sentence of the petitioners was suspended, it would not be appropriate to send the petitioners behind the bars. As per Indian Penal Code, there is no minimum sentence under Sections 353 and 379 IPC.

Keeping in view the above facts of the case, sentence of the petitioners is reduced to the one already undergone by them. The petition stands disposed of.

16.11.2019  
Meenu

( Anil Kshetarpal )  
Judge

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |