

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.4073 of 2017 (O&M)

DATE OF DECISION: NOVEMBER 22, 2019

KANWALJIT SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. RAJESH KAPILA, ADVOCATE FOR THE PETITIONER.
MR. RAMDEEP PARTAP SINGH, DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

The petitioner has impugned the judgement dated 12.8.2016, passed by the appellate Court, Gurdaspur whereby the judgement of acquittal dated 27.1.2014, passed by the trial Court in case FIR No.139 dated 15.11.2007 was reversed and the petitioner was convicted under Section 420 IPC and sentenced to undergo rigorous imprisonment for a period of 3 years alongwith fine of ₹10,000/- and in default of payment of fine, to undergo a further period of one month rigorous imprisonment.

On 7.11.2017, after hearing learned counsel for the petitioner, this Court maintained the conviction part in the impugned judgement and notice of motion was issued only qua quantum of sentence.

The prosecution case is based on an application given by complainant Paramjit Singh resident of Nanekot, Tehsil and District Gurdaspur wherein it was alleged that in the year 2003, he was posted as SPO (Daily Wages), P.P. Jaura Chittran, P.S. Sadar Gurdaspur, when the

petitioner met him and assured him that he will get him allotted permanent rank of SPO in Punjab Police, as he had good relations with the DGP, Punjab. On the said pretext, the accused demanded ₹40,000/- from him which was paid to him on 3.3.2003. According to the complainant, neither the promise was kept by the accused, nor the amount paid by the complainant was returned to him.

After commencement of the trial, the trial Court after examining the prosecution evidence proceeded to acquit the accused of the charges. The said judgement of acquittal was challenged in an appeal filed by the State, wherein the appellate Court reversed the judgement of acquittal and convicted him.

Learned counsel for the convict has contended that the incident is more than 16 years old, which took place in March, 2003. Since then, the petitioner is facing the agony of protracted trial/appeal. It is further submitted that the petitioner is a young man of 38 years and an opportunity may be given to him to mend and reform his ways. It has been prayed that keeping in view the above, the sentence awarded to him may be modified to the one already undergone by him.

Learned counsel for the State, however, opposed the above prayer made by learned counsel for the petitioner. He has produced the custody certificate of the petitioner filed by Amandeep Singh, C.P.S., Deputy Superintendent, Chandigarh, according to which, the petitioner has undergone the actual sentence of 2 years and 17 days as on today.

After hearing learned counsel for the petitioner, this Court is of

the view that since the petitioner is a young man and has suffered the agony of trial, appeal and revision for the last more than 16 years and considering the fact that he has undergone more than 2 years out of 3 years rigorous imprisonment awarded, it would be in the interest of justice, if the sentence awarded to him is modified to the one already undergone by him.

Resultantly, the petition is partly allowed and the sentence of 3 years rigorous imprisonment imposed by the appellate Court is reduced to the period already undergone by him. Payment of fine amount shall remain intact. Petitioner Kanwaljit Singh, who is in custody, be set at liberty forthwith, if his custody is not required in connection with any other case.

November 22, 2019
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No