

In the High Court of Punjab and Haryana at Chandigarh

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CRR-3955-2018 (O & M)

Date of Decision: August 28, 2019

PHC LUBHAYA MASIH NO 1003/GSP

....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Mansur Ali, Advocate for the petitioner.

Ms. Sudipti Sharma, Addl. AG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has challenged the judgments and orders of the Courts below whereby he has been convicted under Sections 420, 467, 468 and 471 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for three years.

Learned counsel for the petitioner contends that the allegations against the petitioner are that he is stated to have forged and fabricated Middle School Certificate while obtaining job in the police department. He has served for over 19 years till the complaint was filed by a co-villager. He further submits that the petitioner had been recruited in the police as he had helped the police during the period of militancy and for such recruitment, educational qualification was not an essential requirement. He also contends that he would confine his prayer to the reduction in the quantum of sentence as the petitioner has been dismissed after serving for 19 years. The petitioner is a sole bread winner of the family and has already undergone sentence for over eight months out of total sentence of three years

Learned State counsel has filed custody certificate of the petitioner, which indicates that the petitioner has undergone sentence of 08 months and 28 days out of the total sentence of three years.

Heard.

The petitioner had been convicted under Sections 420, 467, 468 and 471 IPC and sentenced to undergo rigorous imprisonment for a period of three years. He has served in the Punjab Police for over 19 years which includes the period of militancy till the complaint was filed by a co-villager. The petitioner had been recruited in the police as he had helped the police in tackling militancy. The petitioner is facing the agony of protracted criminal proceedings. He has already lost his job. The petitioner is a sole bread winner of the family and has already undergone sentence of 8 months and 28 days out of the total sentence of three years.

It would, therefore, be in the interest of justice, if the sentence of the petitioner is reduced to the period already undergone by him.

Consequently, while maintaining the conviction, the sentence of the petitioner is reduced to the period already undergone by him.

With this modification, the petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

August 28, 2019
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No