

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRR-2079-2019 (O&M)
Date of Decision:-30.9.2019

Gurmel @ Gelu ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. S.S. Toor, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court challenging judgment dated 16.7.2019, whereby while dismissing his appeal against judgment dated 7.10.2016 and order of sentence dated 10.10.2016 passed by learned Judicial Magistrate 1st Class, Fatehabad, his conviction for offences under Sections 452, 354-A, 323 and 506 of Indian Penal Code, has been affirmed.
2. Vide order dated 27.8.2019, this Court had issued notice to the limited extent of considering the propriety of sentence of imprisonment. In the present case, the petitioner has been sentenced as under:-

Sr. No.	Section	Imprisonment
1.	452 of IPC	Simple imprisonment for a period of one (1) year and to pay a fine of ₹200/-. In case of default in payment of fine, the convict shall undergo simple imprisonment for a period of one month.
2.	354-A of IPC	Simple imprisonment for a period of one (1) year.
3.	323 of IPC	Simple imprisonment for a period of three(3) months.
4.	506 of IPC	Simple imprisonment for a period of one(1) year.

3. All the sentences have, however, been ordered to run concurrently. As on date the petitioner has undergone about 2 1/2 months. He is not stated to be previous convict as would be apparent from perusal of the impugned judgment.
4. Bearing in mind the fact that the petitioner is a first offender and has undergone 2 1/2 months of imprisonment out of the imposed upon of 1 year, the substantive sentence of imprisonment as imposed upon the petitioner is reduced from one year to the one already undergone subject to the condition that the petitioner pays compensation to the tune of ₹40,000/- to the complainant, which shall be deposited before the trial Court concerned, which shall disburse the same to the complainant/victim.
5. The petition stands disposed of with the aforesaid modification in sentence.

30.9.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No