

In the High Court of Punjab and Haryana at Chandigarh

307

CRR-2805-2019 (O & M)

Date of Decision: December 20, 2019

GURNAM SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Kuljit Singh Bal Advocate for the petitioner.

Mr. K.K. Bheniwala, Addl. AG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has challenged the judgments of the Courts below whereby he has been convicted under Sections 186, 353 and 506 IPC and sentenced to undergo imprisonment for a period of one year.

Learned counsel for the petitioner contends that it is a case of no injury and only heated words were allegedly exchanged with the police officials. He also contends that he is not challenging the conviction of the petitioner and would confine his prayer in this petition to reduction in the quantum of sentence to the period already undergone. He is the first offender and not involved in any other case. He is a small shopkeeper and is sole bread winner of his family which comprises a wife and two children. The petitioner has undergone sentence of 04 months and 18 days out of the sentence of one year. The petitioner had been acquitted under Section 332 IPC by the trial Court by observing that it was a case of no injury. The Appellate Court had

acquitted the petitioner for the offence under Section 186 IPC as the mandatory provision under Section 195 Cr.P.C was not followed by taking the cognizance under Section 186 IPC.

Learned State counsel has filed the custody certificate which is taken on record. It indicates that the petitioner has undergone total sentence of 04 months and 17 days as on 19.12.2019.

Heard.

The petitioner had been convicted under Sections 186, 353 and 506 IPC and sentenced to undergo imprisonment for a period of one year. It is a case of no injury and only verbal altercation is stated to have taken place between the petitioner and police officials. The petitioner is the first offender and not involved in any other case. He is stated to be sole bread winner of his family. He has undergone sentence of 4 months and 17.

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 and he be released forthwith, if not required in any other case.

With this modification, the petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

December 20, 2019

A.Kaundal

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