

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-3305-2019 (O&M)
Date of Decision: 18th December, 2019

Pritpal Singh
...Petitioner

Versus

State of Punjab
...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Baltej Singh Sidhu, Advocate,
for the petitioner.

Mr. S.P.S. Tinna, Addl.A.G., Punjab.

ANIL KSHETARPAL, J. (ORAL)

The present petition has been filed challenging the judgment of conviction and order of sentence dated 05.05.2018 passed by learned Judicial Magistrate 1st Class, Gidderbaha, whereby, the petitioner has been convicted under Section 454 and 323 of the Indian Penal Code (hereinafter to be referred as 'IPC') and sentenced as under:

Section	Imprisonment	Fine	In default of payment of fine
454	R.I. one year	Rs.500	14 days
323	R.I. six months	Rs.500	14 days

The period of detention already undergone by convict was ordered to be set off against his substantive sentences as per provision of Section 428 of Cr.P.C. Both the sentences were ordered to run concurrently.

The judgment passed by the Judicial Magistrate 1st Class, Gidderbaha, was affirmed in an appeal preferred by the petitioner vide judgment 22.11.2019 passed by the Additional Sessions Judge, Sri Muktsar Sahib.

Learned counsel for the petitioner has drawn attention of the Court to a pedigree table, which shows *inter se* relationship between the parties extracted as under:-

Puran Singh				
I				
I		I		
Hakam Singh		Natha Singh		
I	I	I	I	I
Gurpal Singh	Rajinder Singh	Jaspal Singh	Pritpal Singh	Kulwinder Singh

Learned counsel for the petitioner, after arguing for some time, has prayed for taking a lenient view. He submits that the petitioner has already undergone more than four and half months of actual sentence. He is a first time offender. Petitioner is also a sole bread earner in the family. Therefore, the sentence awarded to the petitioner may be reduced to the period already undergone by him.

Learned counsel for the State submits that the offence committed by the petitioner is serious. Although, he admitted the fact that the petitioner has been acquitted under Section 354 of IPC.

Keeping in view the facts of the case, particularly the allegations against the petitioner that he used to reside in the house of his uncle – Hakam Singh while he was unmarried and keeping in view the

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relationship between the parties as also the fact that the petitioner has already faced protracted prosecution for the last more than four and half years, the sentence awarded to the petitioner is reduced to the period already undergone by him. Petitioner be released forthwith, if not required in any case.

Disposed of.

18th December, 2019
Nisha

(ANIL KSHETARPAL)
JUDGE

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