

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRR-1778-2008 (O&M)
Date of decision: 19.02.2020**

Bhola Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Deepak Aggarwal, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Challenge in the present petition is to the judgment dated 22.07.2008 passed by the learned Additional Sessions Judge (Fast Track court), Bathinda, whereby while dismissing the appeal filed by the petitioner, the judgment of conviction and order of sentence dated 19.08.2006 passed by the learned Sub Divisional Judicial Magistrate, Phul, in case FIR No. 145 dated 08.08.2003 registered under Section 326 IPC at Police Station Rampura, has been upheld.

Learned counsel for the petitioner contends that he is not pressing the present petition on merit and not challenging the conviction part. He is only aggrieved against the sentence part. He prays that the sentence of the petitioner be suitably reduced as this criminal trial is hanging on his head like Damocle's sword for more than 16 years and this should be a sufficient mitigating circumstance to treat him leniently. Learned counsel for the petitioner has further submitted that FIR relates to the year 2003 and since then a period of more than 16 years has been elapsed. The petitioner has suffered the ordeal of trial for this long period. Petitioner has already

undergone the actual sentence of 8 months. In support of his case, learned counsel for the petitioner relied upon the judgment of this Court passed in case No. **CRA-S-833-SB-2003** titled as '**Albel Singh and other Vs. State of Punjab**' decided on 01.09.2015 and judgment in case No. **CRR-1694-2019** titled as '**Balbir Lal Vs. State of Punjab**' decided on 11.09.2019.

I have heard the learned counsel for the parties and perused the paper-book.

I need not dilate upon the facts of this case in detail as the same have already been recapitulated in the judgment of the learned Courts below and in view of the ultimate prayer of the petitioner seeking reduction in sentence.

In view of the arguments advanced by the learned counsel for the petitioner, this Court is of the view that no useful purpose would be served by sending the petitioner behind the bars. It is a fit case wherein sentence awarded to the petitioner can be reduced to the period already undergone. Therefore, sentence imposed upon the petitioner is reduced to the period already undergone by him in the present case. However, sentence of fine and default clause shall remain intact. The impugned order of sentence, fine and conviction, including default clause, stand affirmed with aforesaid modification, subject to depositing the costs of Rs.10,000/- by the petitioner in Poor Patient Welfare Fund (PPWF) of Post Graduate Institute of Medical Education & Research Chandigarh.

Disposed of in the aforesaid terms.

(HARNARESH SINGH GILL)
JUDGE

19.02.2020

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No