

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-1396-2022 (O&M)

Date of Decision: 14.09.2022

Hemraj

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. R.S. Dhull, Advocate for the petitioner.

Mr. Tanuj Sharma, Assistant Advocate General, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

Through this revision, accused has laid challenge to judgment dated 19.05.2022 of the First Appellate Court, affirming judgment of conviction and order of sentence dated 31.01.2015 of the trial Court, holding him guilty and sentencing to undergo imprisonment for six months under Sections 8 and 9 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 (for short-'the Act') and to pay a fine of Rs.500/- and in default thereof, to further undergo imprisonment for 15 days.

Briefly, the petitioner was sentenced for 10 years imprisonment in case FIR No. 160/1985 registered under Sections 393/398/360 read with Section 34 IPC, Police Station Kalanaur. He was released on 10.10.2000 for parole of six weeks and was to surrender on 22.11.2000, but he did not surrender after expiry of the parole period.

Therefore, on the complaint of Superintendent, District Jail, Rohtak, formal FIR under Sections 8 and 9 of the Act was registered against him. Investigation was carried out, but petitioner was not arrested despite best efforts of the police and he was declared as proclaimed offender vide order dated 13.06.2005. On 29.06.2014, petitioner was arrested in this case. After holding full fledged trial, the trial Court, vide judgment/order dated 31.01.2015, convicted and sentenced the petitioner in the manner as narrated above.

Being aggrieved, the petitioner approached the Ist Appellate Court, but remained un-successful as his appeal too was dismissed, vide judgment impugned herein.

Learned counsel for the petitioner states that he does not challenge conviction of the petitioner on merits and confines his prayer to the quantum of sentence only. This criminal trial is hanging on his head like damocle's sword for more than 8 years, which should be a sufficient mitigating circumstance to treat him leniently. The petitioner has suffered the ordeal for long period. Out of total sentence of six months, petitioner has undergone sentence of 3 months and 26 days. Fine of Rs.500/- has already been deposited by the petitioner before the trial Court.

As per custody certificate dated 14.09.2022, petitioner has already undergone actual sentence for 03 months and 26 days. Therefore, in view of the arguments advanced by learned counsel for the petitioner, this Court is of the view that no useful purpose will be served by keeping the petitioner behind the bars any more. It is a fit case wherein sentence awarded to the petitioner can be reduced to the period already undergone,

subject to payment of Rs.25,000/- with the 'Poor Patient Welfare Fund of Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh'.

Ordered accordingly.

The said amount of Rs.25,000/- has been deposited today itself vide receipt No. 5642 dated 14.09.2022. The same is taken on record.

Impugned judgment of conviction stands affirmed with above modification. The petitioner shall be released forthwith in this case, if, not required in any other case.

Disposed of.

Since, the main revision stands disposed of, therefore, all the criminal miscellaneous applications pending, if any, shall also stand disposed of.

September 14, 2022
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(ASHOK KUMAR VERMA)
JUDGE

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