

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

249

CRR-4574-2017 (O&M)

Date of Decision: 17.07.2023

SUKHJINDER SINGH @ RAJWINDER SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Gaurav Sharma, Advocate
for the petitioner.

Mr. Hakam Singh, AAG Punjab.

HARNARESH SINGH GILL, J.(Oral)

In FIR No.119 dated 12.07.2013, under Section 420 IPC, Police Station City Sunam, Sangrur, the learned Sub-Divisional Judicial Magistrate, Sunam, vide judgment of conviction and order of sentence dated 14.08.2015, found the petitioner guilty for the offence punishable under Sections 420 and 177 IPC and sentenced him to undergo rigorous imprisonment for a maximum period of two years and six months and to pay a fine to the tune of Rs.1,000/-.

Aggrieved there against, the petitioner preferred an appeal before the learned Additional Sessions Judge, Sangrur, which was dismissed vide impugned judgment dated 10.11.2017.

Still aggrieved, the petitioner has preferred the present revision petition.

At this stage, learned counsel for the petitioner, submits that

without disputing the findings of guilt recorded against the petitioner-accused, he confines his prayer to the quantum of sentence only. Learned counsel contends that the present FIR was registered on 12.07.2013 and that the petitioner has been facing the agony of protracted trial for the last 10 years approximately. Still further, out of the total substantive sentence of 2 years and six months, the accused-petitioner has already undergone actual sentence of more than four months. It is, thus, submitted that taking into consideration the period of sentence already undergone by the accused-petitioner, the sentence imposed upon him may be reduced to the period already undergone by him.

In support of his contentions, learned counsel for the petitioner places reliance upon the order dated 26.08.2014 passed by the Hon'ble Supreme Court in Criminal Appeal No.1837/2014 titled as Bishan Das vs. State of Punjab and another, Law Finder Doc ID #605490.

I have heard the learned counsel for the parties.

As noticed above, learned counsel for the petitioner has not disputed the finding of guilt recorded by the Courts below. In view of the said fact, the conviction of the petitioner under Sections 420 and 177 IPC, is upheld.

Coming to the quantum of sentence, as stated above, the petitioner has already undergone the sentence of more than 4 months out of the total sentence of 2 years and six months. Taking into account that the petitioner has been facing the agony of protracted trial for the last 10 years approximately, in my opinion, no useful purpose would be served

by keeping him behind the bars to undergo the remaining sentence. Rather, ends of justice would be suitably met, if the sentence of the petitioner is reduced to the one already undergone.

In view of the above, while maintaining the conviction of the petitioner under the aforesaid Sections, his sentence is reduced from 2 years and six months to one already undergone. The fine imposed upon the petitioner along with its default clause, under the aforesaid Sections, is maintained.

The petitioner be released forthwith, if not required in any other case.

Revision Petition is disposed of in the above terms.

17.07.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>