



In The High Court for the States of Punjab and Haryana  
At Chandigarh

CRR-38-2024 (O&M)  
Date of Decision:-11.11.2024

Virsa Singh ... Petitioner

Versus

The Deputy Superintendent, Modern Central Sudharghar, Faridkot & anr.

... Respondents

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Mayur Kanwar, Legal Aid Counsel,  
for the petitioner.

Mr. Japjot Singh, AAG, Punjab.

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**GURVINDER SINGH GILL, J.(Oral)**

**CRM-1131-2024**

There is a delay of 2305 days in filing the present revision petition.

Learned counsel representing the applicant/petitioner submitted that the aforesaid delay occurred on account of the fact that the applicant/petitioner was behind bars serving sentences in 2 other cases, wherein sentences imposed were 10 years in both the said cases. Learned counsel submitted that apart from the fact that the applicant/petitioner was not aware about the concurrent running of the sentence in the present case,



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he was not even possessed of sufficient means to engage a counsel and that it is only when he completed his sentences in other 2 cases and he was not released despite completing the said sentences, he came to know about the fact that the sentence was in respect of offence under Prisons Act was yet to be undergone that thereafter he filed the instant revision petition through Free Legal Aid.

Notice of motion had already been issued.

Reply by way of affidavit of Shri Ravinder Singh, PPS, Deputy Superintendent of Police (City), Moga, District Moga to the application for condonation of delay has been filed by learned State counsel so as to oppose the same, which is taken on record.

Having regard to the fact that the applicant/petitioner was undergoing sentences of 10 years in 2 other cases and that it was only when he had undergone the said sentences and was not released that he came to know about the fact that the sentence imposed in the offence under Prisons Act was yet to be separately undergone that the instant revision petition came to be filed and given the fact that the applicant/petitioner is aged about 70 years, a lenient view in the matter of condonation of delay is warranted.

The instant application, as such, is allowed and the delay of 2305 days in filing the present revision petition is condoned on account of aforesaid exceptional circumstances from where it can be assumed that the applicant/petitioner was under mistaken belief regarding running of the sentences concurrently particularly when he is an old man aged about 70 years.

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**CRR-38-2024 (Main Case)**

1. The instant revision petition is directed against judgment dated 2.7.2015 passed by learned Additional Sessions Judge, Faridkot vide which an appeal filed by the petitioner assailing his conviction for offence under Sections 9 of Punjab Good Conduct of Prisoners (Temporary Release) Act, 1962 as recorded by Chief Judicial Magistrate, Faridkot vide judgment and order of sentence dated 2.8.2014, has been dismissed.
2. The allegation against the petitioner is that he had jumped parole.
3. As per custody certificate filed by learned State counsel, the petitioner has already undergone total sentence of 10 months and 11 days out of the imposed sentence of 1 year & 6 months.
4. Having perused the impugned judgments and having heard learned counsel for the petitioner, this Court does not find any infirmity in the impugned judgments of conviction as regards offence under Section 9 of Punjab Good Conduct of Prisoners (Temporary Release) Act, 1962 and the findings of guilt as recorded therein are hereby affirmed. However, this Court finds that there is some room for reduction of sentence particularly keeping in view the fact that the petitioner is aged about 70 years. The petitioner, as per custody certificate, has already undergone total sentence of about 10 months and 11 days out of the total imposed sentence of 1 year & 6 months.
5. Under these circumstances, while taking a lenient view in the matter particularly in view of age of the petitioner, the sentence as imposed upon the petitioner is reduced from 1 year & 6 months to the one already undergone. The petitioner be released immediately in case not required in any other case or on any other count.



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6. The instant petition stands disposed off accordingly.

11.11.2024  
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( Gurvinder Singh Gill )  
Judge

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|----------------------------|----------|
| Whether speaking /reasoned | Yes / No |
| Whether Reportable         | Yes / No |