

2024:PHHC:053025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-324-2024 (O&M)
DECIDED ON: 19.04.2024

SUKHDEV SINGH @ GABRI

.....APPELLANT

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Ashish Gupta, Advocate
for the appellant.

Mr. Jasjit Singh Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

CRM-4390-2024

Prayer in the present application is for suspension of sentence of the applicant/appellant during the pendency of present appeal.

Learned counsel for the appellant prays for withdrawal of the present application. He further prays for listing the main appeal for final hearing.

Prayer is accepted.

Dismissed as withdrawn.

CRA-S-324-2024

1. With the consent of learned counsel for the respective parties, the main appeal is taken on board for final hearing.

2. The instant appeal has been preferred by accused Sukhbir Singh @ Gabri, challenging judgment of conviction and order of sentence dated

12.10.2023 passed by learned Sessions Judge, Faridkot, whereby the appellant-Sukhbir Singh @ Gabri has been sentenced to undergo RI for a period of 5 years and to pay a fine of Rs.10,000/- and in default thereof, to further undergo RI for three months for commission of offence under Section 379-B IPC; to further undergo RI for a period of one year for commission of an offence under Section 411 IPC.

3. At the very outset, learned counsel for the appellant contends that he does not want to challenge the conviction of the appellant on merits. However, he submits that in view of the circumstances of the case, the sentence awarded by the trial Court is on higher side.

4. Here it would be pertinent to mention that the appellant did not challenge his conviction on merits and only confined his relief qua quantum of sentence. This Court has also scrutinized the impugned judgment as well as the relevant documents/evidence and is of the considered view that there is no scope for any interference in impugned judgment as far as the conviction of the appellant is concerned. As such, the conviction of the appellant is upheld.

5. As far as quantum of sentence is concerned, there are mitigating circumstances to take a lenient view in the matter of sentence awarded by the trial court. Apart from the fact that the appellant has already faced the agony of protracted trial since 2019, who is the sole bread winner of his family and has to look after his old aged parents. Moreover, the appellant has already undergone the actual sentence for a period of 4 years 6 months and 20 days out of total substantive sentence of 5 years,. Thus, this court is of the considered view that a chance be given to the petitioners to reform & improve himself; to become a good citizen; and to lead a peaceful & harmonious life. Though, it is evident

that the appellant is also involved in another case under NDPS Act but in that case he stands acquitted.

6. Taking into consideration the above narrated discussion as well as the fact that the appellant has not challenged his conviction on merits, while affirming his conviction, the order of sentence is modified to the extent to the period already undergone by him with no change in fine clause.

7. With the aforesaid modification in the quantum of sentence, the present appeal stands disposed off.

8. The appellant is ordered to be released forthwith in case he is not required in any other case.

19.04.2024
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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No