

2024:PHHC:123389



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-695-2024 (O&M)
DECIDED ON: 18.09.2024

RANJIT SINGH
.....PETITIONER
VERSUS
STATE OF PUNJAB & ANOTHER
.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Kulbir Singh Saini, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

CRM-35394-2024

Prayer in the present application for suspension of sentence of the applicant/petitioner during the pendency of instant criminal revision petition.

Learned counsel for the applicant/petitioner submits that he does not wish to press the present application. However, he prays for listing the main revision petition for final hearing by preponing its date from 20.09.2024.

In view of above, the present application is dismissed being not pressed. However, the main criminal revision petition, which is listed for hearing on 20.09.2024 is preponed for today itself.

CRR-695-2024

1. With the consent of learned counsel for the respective parties, the main revision petition is taken up for hearing today itself.

2. The present criminal revision petition has been preferred against the judgment dated 21.08.2023 passed by Additional Sessions Judge, SAS Nagar, Mohali whereby, the judgment of conviction and order of sentence dated 01.10.2016 passed by Sub Divisional Judicial Magistrate, Kharar has been affirmed. The petitioner has been sentenced as under:-

Name of Convict	Under Section	Rigorous imprisonment	Fine	Indefault
Ranjit Singh	279 IPC	Six Months	Rs.100/-	RI for 15 days
	338 IPC	Two years	Rs.500/-	RI for one month
	304-A IPC	Two years	Rs.1000/-	RI for one month

3. At the very outset, learned counsel for the petitioner contends that he does not want to challenge the conviction of the petitioner 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 petitioner did not challenge his conviction on merits and only confined his relief qua quantum of sentence. This Court has also scrutinized the impugned judgments as well as the relevant documents/evidence and is of the considered view that there is no scope for any interference in impugned judgments as far as the conviction of the petitioner is concerned. As such, the conviction of the petitioner 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 petitioner has already faced the agony of protracted trial for almost 8 years, he is a sole bread earner of his family. Thus, this court is of the considered view that a chance be given to the petitioner to reform & improve himself; to become a good citizen; and to lead a peaceful &

harmonious life, who is not involved in any other case of any nature whatsoever, which shall be sufficient for this Court to infer that he is person of clean antecedents. Moreover, out of total substantive sentence of two years, the petitioner has already undergone the actual custody for a period of one year and 28 days, as of now.

6. Taking into consideration the above narrated discussion as well as the fact that the petitioner 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, if any.

7. With the aforesaid modification in the quantum of sentence, the present criminal revision petition stands disposed off.

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

9. Pending criminal misc. application, if any shall also disposed off.

18.09.2024

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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No