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2024:PHHC:017288

**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

\*\*\*\*

**CRR-472-2013  
DECIDED ON: 07.02.2024**

**PAWAN KUMAR**

**.....PETITIONER**

**VERSUS**

**STATE OF HARYANA**

**.....RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.**

Present: Mr. Karan Bhardwaj, Advocate  
for the petitioner.

Mr. Gurbir Singh Dhillon, AAG, Haryana.

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**SANDEEP MOUDGIL, J (ORAL)**

1. The instant revision petition has been filed against the judgment dated 16.07.2011 passed by Sessions Judge, Bhiwani whereby the judgment of conviction dated 15.12.2010 passed by the Judicial Magistrate Ist Class, Bhiwani, has been affirmed for the commission of offence under Section 8/9 of Haryana Good Conduct Prisoners (Temporary Release) Act, 1988. The petitioner was sentenced to undergo simple imprisonment for a period of one year and to pay fine of Rs.200/- and in default thereof, to further undergo SI for one month, vide order of sentence of even date.

2. At the very outset, learned counsel for the petitioner confines his prayer to the quantum of sentence. He submits that FIR was registered on 01.09.2005 and as such the petitioner has faced the agony of trial for a

considerable period. Assertion is that the petitioner has already undergone the actual sentence of 5 months and 18 days out of one year SI awarded to him, therefore, prays for leniency by reducing the sentence to the period already undergone by him.

3. Here it would be pertinent to mention that the petitioner did not challenge his conviction on merits and only confines his relief 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 judgment(s) as far as the conviction of the petitioner is concerned. As such, the conviction of the petitioner is upheld.

4. 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 and upheld by the lower appellate court. Apart from the fact that petitioner is facing the agony of protracted trial since 2005, and he is a poor person and is only bread earner of his family. Moreover, the petitioner has already suffered incarceration for a period of 05 months and 12 days as on 06.02.2024, out of total substantive sentence for a period of one year, therefore, some concession in substantive sentence can be extended to him. 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.

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

The petitioner need not to suffer remaining sentence.

6. In view of the above discussions made hereinabove, the revision petition stands disposed off, accordingly.

(SANDEEP MOUDGIL)  
JUDGE

07.02.2024  
*sham*

- 1. Whether speaking/ reasoned : Yes / No
- 2. Whether reportable : Yes / No