

2024:PHHC:146586



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

286

CRR-2143-2024 (O&M)
Date of decision: 11.11.2024

Chain Singh and another ...Petitioners

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Manpreet, Advocate
for the petitioner.

Mr. A. S. Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The present revision petition has been filed against the judgment of conviction and order on quantum of sentence, both dated 25.04.2018, passed by the Court of learned Judicial Magistrate First Class, Hoshiarpur in criminal case arising out of criminal complaint titled as *Surjit Kaur vs. Chain Singh and others*, filed under Sections 427, 447, 379 read with Section 34 of IPC, whereby the petitioners were held guilty for commission of offences punishable under the aforesaid sections and were sentenced to undergo rigorous imprisonment for maximum 01 year with default clauses of fine; as well as against the judgment dated 04.06.2024, whereby the aforesaid judgment of conviction passed by the learned trial Court was upheld but the order on quantum of sentence was modified to the extent that the petitioners were ordered to be released on probation for a period of two years on their furnishing probation bonds in the sum of Rs. 10,000/- with one surety in the like amount each. However, since they could furnish the probation bonds with surety as directed, they were ordered to undergo the sentence as awarded by the learned trial Court.

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2. Today, learned counsel for the petitioners has made a statement so as not to press the present revision against the judgment of conviction, passed by the learned trial Court, as well as the judgment passed by the appellate Court. Learned counsel confines his prayer against the order of sentence only. It is further submitted that petitioners are not the previous convicts nor any other case is pending against them and so looking into these circumstances, the sentence of the petitioners may be reduced to the period already undergone by him.

3. Learned State Counsel has no serious objection to the aforesaid prayer. He has filed custody certificate, as per which, the petitioners have already undergone actual sentence of 05 months and 07 days out of total sentence of 01 year as awarded by the learned trial Court and upheld by the appellate Court and they are not involved in any other case.

4. After hearing the counsel for the parties, I uphold the judgments of conviction passed by the Courts below as the same are based on appreciation of prosecution evidence, proving guilt of the petitioners, however, considering the fact that the petitioners have faced the agony of protracted trial and they have already undergone actual sentence of 05 months and 07 days and are not involved in any other case, which shows that they have improved their character and have joined the mainstream of the society, the order on quantum of sentence dated 25.04.2018 is modified to the extent that the same is reduced to the period already undergone by them. However, the fine imposed upon the petitioners is upheld.

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5. The petitioners are directed to be released from custody forthwith, if not required in any other case, on depositing fine as imposed by the trial Court. Their personal/surety bonds be discharged accordingly.
6. Since the main petition stands disposed of, pending application, if any, shall also be treated as disposed of.

11.11.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No