

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****I.****CRA-S-742-SB-2006 (O&M)****Date of Decision: 29.05.2025****JASVIR SINGH****. . . .APPELLANT****VS.****STATE OF PUNJAB****. . . . RESPONDENT****II.****CRR-1079-2006 (O&M)****GURJANT SINGH****. . . .APPELLANT****VS.****STATE OF PUNJAB AND OTHERS****. . . . RESPONDENTS****CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present: Mr.H.S. Randhawa, Advocate for
Mr.P.S. Ahluwalia, Advocate, for the appellant
(in CRA-S-742-SB-2006).

None for the petitioner-complainant
(in CRR-1079-2006).

Mr.Pratibha Bali, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)**CRA-S-742-SB-2006**

Appellant was tried by Additional Sessions Judge (Ad hoc), Patiala in a case arising out of FIR No.147 dated 23.03.2003 under Sections 307 IPC and Section 25 of the Arms Act, registered at Police Station Sadar, Patiala. After trial, the appellant was convicted vide judgment dated 10.02.2006 by the trial Court for offence under Section 307 IPC and was sentenced to undergo rigorous imprisonment for a period of five years and to pay fine of ₹1000/- with default sentence of six month in case of non-payment of fine and for offence under Section 25 of the Arms Act and was sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of ₹500/- with default sentence of six months in case of non-

payment of fine.

2. Against the abovesaid conviction and sentence, this appeal was filed.

3. Today learned counsel for the appellant stated at the outset that appellant does not press the appeal against the judgment of conviction; and that appellant confines his prayer only against order of sentence. It is submitted that offence was placed in 2003 and so, appellant be sentenced to imprisonment for the period already undergone by him.

4. Learned counsel points out that offence pertains to the year 2003; that appellant has already undergone total sentence of 02 years 03 months 01 day and he has never misused the concession of bail and so, he be sentenced for the period already undergone by him.

5. Learned State counsel has not seriously objected to the aforesaid prayer.

6. The custody certificate placed on record by the respondent-State would reveal that appellant has already undergone total sentence of 02 years 03 months 01 day. It is revealed further that he has no criminal antecedents. The offence had taken place way back in 2003 i.e. 22 years back.

7. In the aforesaid facts and circumstances, it will be in the interest of justice, if the period of imprisonment is reduced to the period already undergone by the appellant, instead of sending him behind bars in the company of hardened criminals.

8. Consequently, the present appeal is partly accepted. By maintaining the impugned judgment against conviction, the order of sentence as passed by the trial Court is modified and the appellant is sentenced to imprisonment for the period already undergone by him. As far as fine is concerned, it will remain same.

9. However, it is made clear that amount of fine, if not paid earlier, shall be deposited before learned Chief Judicial Magistrate concerned, within a period of four weeks from today, failing which the appellant will have to carry out the complete sentence as imposed by the trial Court.

Disposed of.

CRR-1079-2006

This revision is filed by the complainant for enhancement of the sentence awarded to Jasvir Singh by learned Additional Sessions Judge (Ad hoc), Patiala vide his order dated 10.02.2006 in a case arising out of FIR No.147 dated 23.03.2003 under Sections 307 IPC and Section 25 of the Arms Act, registered at Police Station Sadar, Patiala.

Since in the appeal filed by Jasvir Singh bearing CRA-S-742-SB-2006, appellant is sentenced to imprisonment for the period already undergone by him, therefore, the present revision for enhancement of sentence of Jasvir Singh is hereby dismissed. Even otherwise, none has appeared for the petitioner to pursue this revision.

A photocopy of this order be placed on the file of connected case.

29.05.2025

Vivek

(DEEPAK GUPTA)

JUDGE

Whether speaking/reasoned?	Yes
Whether reportable?	No