

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

2025:PHHC:064424



(201)

CRR-378-2007 (O&M)

Decided on : 14.05.2025

Iqbal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE DEEPAK GUPTA

Present: Mr.G.S.Sidhu, Advocate, for the petitioner.

Mr.Animesh Sharma, AAG, Punjab.

DEEPAK GUPTA, J. (Oral)

Petitioner - Iqbal Singh faced trial under Sections 279, 337, 427 & 304-A IPC in a case arising out of FIR No.195 dated 17.10.2002, registered at Police Station Sadar, Phagwara and was awarded a sentence to undergo rigorous imprisonment for a period of 1 ½ years under Section 304-A IPC and to pay fine of Rs.500/-, in default whereof, to further undergo rigorous imprisonment for a period of one month. He was further sentenced to undergo rigorous imprisonment for 3 months and to pay a fine of Rs.200/- under Section 279 IPC, in default whereof to further undergo rigorous imprisonment for 15 days. Petitioner was further sentenced to undergo rigorous imprisonment for 3 months and to pay a fine of Rs.200/- under Section 337 IPC, in default whereof to further undergo rigorous imprisonment for 15 days. All the sentences were ordered to run concurrently.

The appeal filed by the petitioner was dismissed by learned Sessions Judge, Kapurthala, vide judgment dated 06.02.2006.

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

3. Today learned counsel for the petitioner stated at the outset that petitioner does not press the present revision petition against the judgment of conviction; and that petitioner confines his prayer only against order of sentence. It is submitted that petitioner would be satisfied, in case he is sentenced to imprisonment for the period already undergone by him.

4. Learned counsel points out that offence pertains to the year 2002; that petitioner was approximately 43 years of age at that time; that petitioner has already undergone total sentence of 1 month 11 days and is not involved in any other case and so, he deserves to 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 petitioner has already undergone total sentence of 1 month 11 days. It is revealed further that he has no criminal antecedents. Nothing has been brought on record to suggest that after this conviction, petitioner has been involved in any other case. He was young a person of 43 years of age at the time of offence, which had taken place way back in 2002 i.e. 23 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 petitioner, instead of sending him behind bars in the company of hardened criminals.

8. Consequently, the present revision is partly accepted. By maintaining the impugned judgment against conviction, the order of sentence as passed by the trial Court is modified and the petitioner is sentenced to imprisonment for the period already undergone by him.

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 petitioner will have to carry out the complete sentence as imposed by the trial Court.

Disposed of.

May 14, 2025
sailesh

(DEEPAK GUPTA)
JUDGE

Whether speaking/reasoned :

Yes/No

Whether Reportable :

Yes/No