



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

209

CRR-1256-2011 (O&M)
Date of Decision: 04.08.2025

Tarsem Singh

...Petitioner

V/s

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Anirudh Bhaskar, Legal Aid Counsel, for the petitioner.
Mr. Vikas Sonak, AAG, Punjab.

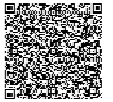
VIKRAM AGGARWAL, J (ORAL)

No one has put in appearance on behalf of the petitioner.

2. Under the circumstances, Mr. Anirudh Bhaskar, Advocate, who is present in Court, is appointed as Legal Aid Counsel to represent the case on behalf of the petitioner.

3. A copy of this order be sent to the Secretary, High Court Legal Services Committee of this Court for necessary action.

4. The present revision petition assails the judgment dated 20.04.2011, passed by the Court of Additional Sessions Judge, Faridkot vide which the appeal preferred by the petitioner against the judgment of conviction and order of sentence dated 17.07.2010, passed by the Court of Judicial Magistrate Ist Class, Faridkot, was dismissed. However, the appellate Court while maintaining the judgment of conviction modified the order of sentence and reduced the substantive imprisonment from one year to six months.

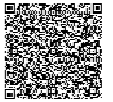


5. Vide judgment of conviction dated 17.07.2010, the Court of Judicial Magistrate Ist Class, Faridkot convicted the petitioner under Section 411 of the Indian Penal Code 1860 (for short "IPC") and vide order of sentence of even date, the petitioner was sentenced to undergo imprisonment for a period of one year and a fine of Rs1000/- was also imposed. In default of payment of fine, the petitioner was ordered to undergo imprisonment for fifteen days. However, the order of sentence was modified by the appellate Court and the term of imprisonment was reduced from one year to six months.

6. As per the prosecution case, a complaint was received by the police from Sukhdev Kaur wife of Charan Singh alleging that she along with her family members was sleeping in the courtyard of their house. They locked the door of their room and when they got up in the morning, they found the door to have been opened and articles of the trunk were lying scattered. They found the red coloured *potli* (a piece of cloth tied with knots to put things in it), in which they had put their gold ornaments and Rs.5000/- to be missing. They alleged that the said *potli* had been stolen by someone. On the basis of the said statement, a case under Sections 457 and 380 IPC was registered at Police Station Sadiq vide FIR No.48, dated 26.07.2009 against the petitioner. The petitioner was apprehended. After completion of investigation, final report was prepared and submitted to the Court. Charges were framed against the accused-petitioner under Section 411 IPC, to which, he pleaded not guilty and claimed trial.

7. The trial Court convicted and sentenced the petitioner in the manner as referred to in the opening part of the judgment. The petitioner preferred an appeal which too was dismissed by the Court of Additional Sessions Judge, Faridkot, leading to the filing of the present revision petition.

8. I have heard learned counsel for the parties.



9. At the outset, learned counsel representing the petitioner submits that the petitioner does not challenge the judgment of conviction on merits. He, however, submits, for, the petitioner has undergone a protracted trial as FIR was registered against him in 2009, he was convicted vide judgment dated 17.07.2010 and even his appeal was dismissed on 20.04.2011 after which the instant revision petition was filed in this Court, the sentence be modified to that already undergone by the petitioner. He submits that the petitioner has already undergone about two months and twenty six days of imprisonment and the fine stands deposited.

10. *Per contra*, learned State Counsel has opposed the prayer stating that the judgment of conviction and order of sentence deserve to be upheld.

11. Custody certificate dated 03.08.2025 filed in Court today is taken on record as per which the petitioner has undergone actual sentence of two months and twenty six days.

12. I have considered the submissions made by learned counsel for the parties.

13. Concededly, FIR No48 dated 26.07.2009 was registered under Sections 457 and 380 IPC at Police Station Sadiq. However, charges were framed against the petitioner under Section 411 IPC. The petitioner was put to trial in 2009. He was convicted and sentenced vide judgment and order dated 17.07.2010. His appeal against the said decision was dismissed on 20.04.2011. However, the order of sentence was modified by the appellate Court and the term of imprisonment was reduced from one year to six months. Ever since then, his revision petition has been pending in this Court. The petitioner has faced the agony of trial and pendency of his appeal/revision etc. for the last almost 16 years. He has already undergone sentence of two months and twenty six days. There is no history of the petitioner being a



previous offender. Therefore, no useful purpose would be served by sending him to custody at this stage.

14. I have gone through the impugned judgments and on merits find them to be well reasoned. I do not, therefore, find any reason to interfere in them.

15. However, keeping in view the totality of the facts and circumstances, while maintaining the judgment of conviction, the order of sentence is modified to that already undergone by the petitioner.

With the aforesaid modification, the present revision petition is disposed of.

Pending application(s), if any, shall stand disposed of accordingly.

(VIKRAM AGGARWAL)
JUDGE

August 04, 2025
vcgarg

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No