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

CRR-47-2012

Date of Decision:-06.05.2025

HARVINDER SINGH

.....Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- None for the petitioner.

Mrs. Pratibha Bali, Assistant Advocate General, Punjab.

DEEPAK GUPTA, J. (ORAL)

1. Petitioner was tried by the Court of Ld. Judicial Magistrate First Class, Nabha in a case arising out of FIR No.255 dated 19.07.2001 under Sections 406, 342, 498-A and 323 of IPC and registered at Police Station Sadar Nabha. After trial, the petitioner was convicted under Section 406 IPC vide judgment dated 11.07.2007 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of one year; he was convicted under Section 498 A and was sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of Rs.2,000/- with default sentence on one month rigorous imprisonment in case of non-payment of fine and he was also convicted under Sections 323 and 342 IPC in which he was sentenced to undergo rigorous imprisonment for a period of six months. On appeal, the judgment of conviction and order of sentence were upheld by the Court of learned Additional Sessions Judge, Patiala vide judgment and decree dated 26.11.2011.

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

3. Today nobody is appearing on behalf of the petitioner. This Court has gone through the impugned judgments of the Courts below and finds that conviction has been recorded after proper appreciation of the evidence on record. This Court does not find any reason so as to interfere in the impugned judgment of conviction and as such, the same is hereby maintained.

4. However as far as the impugned order of sentence is concerned it is noticed that petitioner was convicted under Section 406 IPC vide judgment dated 11.07.2007 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of one year; he was convicted under Section 498 A and was sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of Rs.2,000/- with default sentence on one month rigorous imprisonment in case of non-payment of fine and he was also convicted under Sections 323 and 342 IPC in which he was sentenced to undergo rigorous imprisonment for a period of six months.

5. The custody certificate placed on record by the respondent-State would reveal that petitioner has already undergone actual custody sentence of 03 months and 10 days. It is revealed further that he has no criminal antecedents. He was 33 years of age at the time of offence, which had taken place way back in 2001 i.e. 24 years back.

6. 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.

7. 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. As far as fine is concerned, it will remain same.

8. 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.

(DEEPAK GUPTA)
JUDGE

06.05.2025

Prince Chawla

Whether Speaking/reasoned	Yes
Whether Reportable	No