



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRR-1159-2025 (O&M)
Date of decision: 03.12.2025

JASWINDER SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Suresh Kumar Aneja, Advocate for the petitioner.

Mr. Rahul Jindal, AAG, Punjab.

YASHVIR SINGH RATHOR. J.(Oral)

CRM-17942-2025

1. Present application under Section 5 of the Limitation Act has been filed for condonation of delay of 8948 days in filing the appeal.

2. For the reasons mentioned in the applications, the same is allowed.

Delay of 8948 days in filing the appeal is condoned.

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3. The present revision petition is directed against the judgment dated 01.07.2000 passed by learned Special Court, Ferozepur vide which the appeal filed by the revisionist against the judgment dated 12.07.1997, passed by Judicial Magistrate First Class, Fazilka was dismissed. Petitioner was held guilty and convicted for the offence under Sections 411 of IPC and has been sentenced to undergo rigorous imprisonment for a period of 02 years and he has also been held liable to pay fine of Rs.4000/-. In case of default of making payment of fine, he has been directed to undergo rigorous imprisonment for a period of two months.



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4. Feeling aggrieved, the revision petition in hand was instituted. Learned counsel for the petitioner and learned State Counsel have been heard and material on file has been perused.

5. At the very outset, learned counsel for the petitioner contended that he does not press the revision petition on merits and has prayed for taking a lenient view on the question of sentence. Learned counsel further contended that petitioner is the first offender and is not a previous convict and out of the substantive sentence of two years awarded to him by the learned trial Court, he has already undergone sentence of 11 months and 30 days. Learned counsel next contended that the sentence awarded to the petitioner may kindly be reduced to the period already undergone by him and he undertakes not to repeat the offence in future.

6. Learned State counsel has opposed the prayer and has argued that no lenient view is warranted in view of the gravity of the offence and the manner in which the same was committed and he prayed that revision petition in hand be dismissed.

7. The custody certificate placed on record by the respondent-State reveals that petitioner has already undergone sentence of 11 months and 30 days. The petitioner is not a previous convict and is the first offender and learned counsel for the petitioner has undertaken that the petitioner will not repeat the offence and will maintain peace and harmony in the society and in these circumstances, taking into consideration the fact that he is not a previous convict, I am of the considered opinion that ends of the justice will be met in case he is sentenced to the period already undergone by him i.e. 11 months and 30 days,

instead of sending him behind bars in the company of hardened criminals and it is ordered accordingly. However, the sentence of fine imposed upon the petitioner-convict is maintained.

8. The fine, if not already deposited, shall be deposited within a period of one month from today, failing which the modification in the quantum of sentence shall stand withdrawn and the petitioner-convict shall undergo remaining period of sentence as awarded by the trial Court.

9. With the aforesaid modification on the question of sentence, the appeal in hand is dismissed.

03.12.2025
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(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No