



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

205

CRR-40-2014

Date of Decision: 07.05.2025

BANT SINGH & ANOTHER**.....Petitioners****Vs.****STATE OF PUNJAB****....Respondent****CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present:- Ms. Ishani Goyal, Advocate for the petitioners.

Mr. Animesh Sharma, Addl. AG, Punjab.

DEEPAK GUPTA, J. (ORAL)

Petitioners were tried by Ld. Judicial Magistrate Ist Class, Fatehgarh Sahib in a case arising out of FIR No.93 dated 07.07.2009 under Sections 323, 325, 34 of IPC, registered at Police Station Fatehgarh Sahib. After trial, the petitioners were convicted under Sections 323, 325 and 34 of IPC vide judgment dated 27.11.2012 by the trial Court and were sentenced to undergo rigorous imprisonment for a period of one year each and to pay fine of ₹500/- each with default sentence of one month each respectively, rigorous imprisonments in case of non-payment of fine. The said judgment has been upheld by learned Additional Sessions Judge, Fatehgarh Sahib vide order dated 05.12.2020.

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

3. Today learned counsel for the petitioners stated at the outset that petitioners do not press the petition against the judgment of conviction; and that petitioners confine their prayer only against order of sentence. It is submitted that petitioners would be satisfied, in case they are sentenced to imprisonment for the period already undergone by him.

4. Learned counsel points out that offence pertains to the year 2009; that petitioners have already undergone actual sentence of 01 month and 28

days and they are not involved in any other case and so, they deserve to be sentenced for the period already undergone by them.

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 petitioners-Bant Singh and Tarlochan Singh have already undergone actual sentence of 01 month and 28 days. It is revealed further that they have no criminal antecedents. The offence had taken place way back in the year 2009 i.e. 15 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 petitioners, instead of sending them 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 petitioners are sentenced to imprisonment for the period already undergone by them. 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 petitioners will have to carry out the complete sentence as imposed by the trail Court.

Disposed of.

(DEEPAK GUPTA)
JUDGE

May 07, 2025

Nisha Yadav

Whether Speaking/reasoned	Yes
Whether Reportable	No