

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CRR-512-2023

ORDER RESERVED ON	ORDER PRONOUNCED ON	OPERATIVE PART PRONOUNCED OR FULL	UPLOADED ON
20.04.2026	24.04.2026	FULL PRONOUNCED	24.04.2026

KULWANT SINGH Petitioner
Versus
STATE OF PUNJAB Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Suman Agnihotri, Legal Aid Counsel
for the petitioner/convict.

Mr. Akshay Kumar, A.A.G, Punjab.

ANOOP CHITKARA, J. (ORAL)

FIR No.	Dated	Police Station	Sections
86	30.07.2013	City, Jalalabad	465, 467, 468, 471, 420, 120-B IPC

Criminal Case before trial Court	CIS No. CHI/20/2014 Decided on: 21.11.2016
Criminal Appeal before Appellate Court	CIS No. CRA/581/2016 CNR No. PBFZC0-004368-2016 Decided on: 08.02.2022

Convict's name	Penal provision	Sentence
Kulwant Singh	120-B, 420 IPC	Substantive Sentence: R.I for one year

1. The present petition has been filed against the judgment of conviction and order of sentence dated 21.11.2016 passed by learned Sub Divisional Judicial Magistrate, Jalalabad vide which petitioner has been convicted and sentenced under Sections 420, 471, 120-B IPC. and also against impugned judgment dated 08.02.2022 passed by learned Additional Sessions Judge, Fazilka, whereby appeal of the petitioner has been partly allowed and conviction & sentence awarded under Section 471 IPC is set aside and sentence of Sections 120-B, 420 IPC stands upheld and fine deposited by him for his conviction under Section 471 IPC refunded to him after expiry to the period of appeal/revision.
2. Learned legal aid counsel for the petitioner submits that she would confine her arguments for reduction of sentence because she has gone through the record and in her

considered opinion, it would be in the interest of her client, if she confines her submission for reduction of sentence.

3. In this background, I am not going through the evidence and analysing the same because it is the counsel, who is the best judge for her client.

4. As per custody certificate dated 18.04.2026, the custody of the petitioner in the above captioned FIR is 01 year, 05 months and 28 days. The sentence imposed upon him was 02 years. It means the petitioner has already undergone more than 3/4th of his sentence. Furthermore, once counsel for the petitioner confines her submission on reduction of sentence, it means she is not challenging the conviction and the State wins regarding success of the prosecution's case.

5. Now comes sentence, the mitigating factors for reduction of sentence is the delay in the proceedings. The FIR in question was registered in the year 2013 and for the last 13 years the proceeding is pending before one Court and the other, which means the petitioner is going through the process of criminal prosecution, appeal and revision. Thus, considering the nature of offence *viz.a.viz.* the time which he has already undergone in the present case and the delay which has taken place in this case to be decided are sufficient mitigating factors to reduce the sentence of imprisonment to the period already undergone in custody by the petitioner.

6. Given above, the judgment of conviction is upheld and order of sentence is modified and reduced to that of period already undergone by the petitioner in custody. Present petition stands disposed of. The bail bonds and surety bonds are discharged. Amount of fine deposited by the petitioner for the offence under Sections 120-B & 420 IPC forfeited to State as cost of proceeding. All pending miscellaneous applications, if any, stand disposed of.

7. Legal aid counsel shall be entitled to her fee as per the applicable Rules.

(ANOOP CHITKARA)
JUDGE

24.04.2026
Jyoti-II

Whether speaking/non-speaking: Speaking
Whether reportable: No.