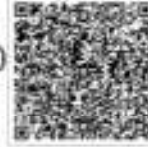


2026:PHHC:063170



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

231

CRR 2935 of 2016

Date of Decision: 23.04.2026

Deepak

...Petitioner (s)

Vs.

State of Haryana

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Ms. Varuna Singh, Advocate
for the petitioner.

Mr. Rajiv Sidhu, Sr. DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgement dated 11.08.2016 passed by the Court of Sessions Judge, Sonipat and the judgement of conviction dated 05.05.2016 and order of sentence dated 10.05.2016 passed by the Court of Sub-Divisional Judicial Magistrate, Kharkhoda, Sonapat, whereby, the petitioner was held guilty for the commission of offence punishable under Section 411 IPC and was sentenced to undergo imprisonment for a period of six months.

2. Brief facts of the case of prosecution are that on 07.06.2011, the complainant Ajay Saini had visited the Police Station Kharkhoda and presented a complaint. In his complaint Ex.PW1/A, the complainant had alleged that on 06.06.2011, at about 10.30 p.m., he had visited Kali Mata Mandir on his motorcycle bearing registration No. HR-40A-8326 make Discover and when he returned from the

temple, after paying obeisance, his motorcycle was found missing. As per prosecution, the above said complaint Ex.PW1/A was endorsed by ASI Vasisth Kumar vide his endorsement Ex.PW4/B and formal FIR of this case Ex.PW4/A was lodged. During the course of investigation, the Investigating Officer ASI Vasisth Kumar received a telephonic information from Police Station Parshant Vihar, Delhi that the stolen motorcycle was recovered there. Acting upon that information, the above named Investigating Officer visited the Police Station Parshant Vihar, Delhi and by moving an application before the Court, took over the custody of the petitioner, interrogated him and seized the motorcycle bearing registration No.HR-40A-8326 from his possession. The Investigating Officer also recorded the disclosure statement of the petitioner, completed the other usual formalities of investigation and recorded the statements of the witnesses. On completion of investigation, the report under section 173 of Code of Criminal Procedure was prepared and presented in the Court of Area Magistrate.

3. After the presentation of *challan*, the petitioner was charge-sheeted for the offences punishable under Section 411 IPC, to which, he pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined Anil Kumar as PW1, Ajay Saini, complainant as PW2, HC Subhash Chand as PW3 and ASI Vashisth Kumar as PW4. Following documents were tendered in evidence:-

Ex.PW1/A

The complaint moved by the complainant to the police, which formed the basis of the FIR of this case

<i>Ex.PW3/A</i>	<i>Disclosure statement of the accused.</i>
<i>Ex.PW3/B</i>	<i>Seizure memo of motorcycle bearing registration No. HR-40A-8326.</i>
<i>Ex.PW3/C</i>	<i>Arrest memo of the accused.</i>
<i>Ex.PW3/D</i>	<i>Rough site plan of the place of occurrence.</i>
<i>Ex.PW4/A</i>	<i>FIR of the case.</i>
<i>Ex.PW4/B</i>	<i>Endorsement recorded on the complaint Ex.PW4/A.</i>
<i>Ex.PW4/C</i>	<i>Rough site plan of the place of occurrence.</i>
<i>Ex.PW4/D</i>	<i>Arrest memo of the accused.</i>
<i>Ex.PW4/E</i>	<i>Search memo of the accused.</i>
<i>Ex.PW4/F</i>	<i>Disclosure statement of the accused.</i>
<i>Ex.PW4/G</i>	<i>Copy of road certificate.</i>
<i>Ex.PW4/G</i>	<i>Demarcation memo.</i>
<i>Ex.PW6/B</i>	<i>Police proceedings recorded on the statement Ex.PW7/A</i>

thereafter, the evidence of the prosecution was closed.

5. After closure of the evidence, the statement of the petitioner was recorded under Section 313 Cr.P.C. and he denied all the incriminating evidence put to him and stated that he has been falsely involved in the present case. No evidence was led in defence.
6. At the very outset, learned counsel for the petitioner submits that he does not wish to challenge the judgement of conviction passed against the petitioner by the trial Court, however, some leniency may be shown while awarding the sentence on him. Even though, learned counsel for the petitioner has not challenged the judgement of conviction, still, this Court has considered the case on merits.
7. Learned State counsel submits that the petitioner does not deserve the concession regarding sentence and the present revision petition be dismissed.

8. I have heard learned counsel for the parties and perused the record carefully.

9. In the present case, the prosecution examined PW1 Anil, who stated that the motorcycle of Ajay Saini, complainant, was stolen by someone. The prosecution further examined PW2 Ajay Saini, complainant, who had supported the case of the prosecution in totality. He made a complaint Ex. PW2/A, regarding the theft of his motorcycle. The prosecution further examined PW3 Constable Subhash Chand, who found the petitioner in conscious possession of a stolen motorcycle. He categorically stated that he was posted in Police Station Parshant Vihar, Delhi and was on regular checking at about 10:00 a.m. They intercepted a motorcycle and on inquiry, the driver of the motorcycle could not produce any documents to prove his ownership. He had confessed that he had stolen the motorcycle from Kharkhoda. PW4 ASI Vashisth Kumar was the investigating officer of the present case and proved investigation in the present case. He stated that he had effected the recovery and conducted the entire investigation in the present case. From the evidence led by the prosecution, the prosecution had established that the petitioner was found in possession of a stolen motorcycle and he could not offer an explanation for the same. Thus, both the Courts had rightly convicted him for the commission of the offence punishable under Section 411 of IPC. Even otherwise, I have carefully gone through the judgments passed by both the Courts and find that the same do not suffer from any infirmity, illegality, or perversity.

Accordingly, the impugned judgment of convictions are ordered to be upheld.

10. Now adverting to the order on quantum of sentence, this Court cannot lose sight of the fact that the petitioner is facing the agony of trial/appeal since 07.06.2011, i.e., for the last about 15 years. The petitioner is aged about 46 years and is the sole bread earner of the family. As per his custody certificate, the petitioner has already undergone 03 months and 23 days of actual custody. Consequently, keeping in view the aforesaid mitigating circumstances, the sentence imposed on him is reduced to the period already undergone by him.

11. With the above modifications, the present revision petition is partly allowed and the impugned judgement dated 11.08.2016 passed by the Court of Sessions Judge, Sonipat and the judgement of conviction dated 05.05.2016 and order of sentence dated 10.05.2016 passed by the Court of Sub-Divisional Judicial Magistrate, Kharkhoda, Sonapat, are upheld, whereas, the sentence imposed on the petitioner is reduced to the period already undergone by him. However, the sentence of fine will remain the same.

12. Pending applications, if any, stand also disposed of, accordingly.

23.04.2026		(N.S.SHEKHAWAT)
amit rana		JUDGE
Whether reasoned/speaking	:	Yes/No
Whether reportable	:	Yes/No