

2025:PHHC:047042



S. No. 214

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

CRR No.218 of 2010 (O&M)

Date of Decision:05.04.2025

Surinderjit Singh alias Vinod Kumar

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Tejinder Pal Singh, Advocate
for the petitioner.

Mr. Rajiv K. Takkar, DAG, Punjab.

DEEPAK GUPTA, J. (Oral)

Appellant- Surinderjit Singh alias Vinod Kumar was tried by Ld. Judicial Magistrate Ist Class, Patiala in a case arising out of FIR No.490 dated 30.08.2001 registered under Section 363 IPC at Police Station Civil Lines, Patiala as he kidnapped minor son, namely, Girish, from the lawful guardianship of his father, Sanjiv Jindal. After trial, the appellant was convicted under Section 363 of IPC vide judgment dated 27.11.2004 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of ₹1000/- with default sentence of 15 days imprisonment in case of non-payment of fine.

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

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



4. Learned counsel points out that offence pertains to the year 2001; that appellant was of 27 years at that time; that appellant had already undergone total sentence of 02 months and 25 days, he deserves to be sentenced for the period already undergone by him.

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 appellant had already undergone total sentence of 02 months and 25 days. It is revealed further that appellant- Surinderjit Singh has no criminal antecedents. He was of 27 years of age at the time of offence, which had taken place way back in 2001 i.e. 24 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 appellant, instead of sending him behind bars in the company of hardened criminals.

8. Consequently, the present appeal is partly accepted. By maintaining the impugned judgment against conviction, the order of sentence as passed by the trial Court is modified and the appellant is sentenced to imprisonment for the period already undergone by him. 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 appellant will have to carry out the complete sentence as imposed by the trial Court.

Disposed of.

April 05, 2025
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned Yes/No
Whether Reportable Yes/No