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

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**CRA-S-2028-SB-2004 (O&M)**  
**Date of Decision: - 22.05.2025****DALJIT SINGH**

. . . . APPELLANT

**VS.**

STATE OF PUNJAB

. . . . RESPONDENT

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**CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA**

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Present: - Mr. Gurpreet Jayia, Legal Aid Counsel, for the appellant.

Ms.Pratibha Bali, AAG, Punjab.

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**DEEPAK GUPTA, J. (ORAL)**

Appellant was tried by Ld. Addl. Sessions Judge (Ad hoc), Fast Track Court, Gurdaspur in a case arising out of FIR No.41 dated 22.03.2004 under Sections 307/324/323IPC registered at Police Station Sri Hargobindpur. After trial, the appellant was convicted vide judgment dated 14.09.2004 by the trial Court and for an offence under Section 324 IPC Act was sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of ₹5000/- with default sentence of two months rigorous imprisonment in case of non-payment of fine, under Section 323 IPC was sentenced to undergo rigorous imprisonment for a period of six months.

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

3. Today learned counsel for the appellant stated at the outset that appellant does not press the appeal against the judgment of conviction; and that appellant confines 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 2004; that appellant has already undergone total sentence of 02 months and 12 days and is not involved in any other case and so, 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 has already undergone total sentence of 02 months and 12 days. It is revealed further that he has no criminal antecedents. The offence had taken place way back in 2004 i.e. 21 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.

22.05.2025

*Vivek*

**(DEEPAK GUPTA)**  
**JUDGE**

*Whether speaking/reasoned?*  
*Whether reportable?*

**Yes**  
**No**