



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

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CRA-S-1496-SB-2004 (O&M)

Date of Decision.: 07.05.2025

Jaswinder Singh

.....Appellant

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- None for the appellant.

Mr. Animesh Sharma, Addl. AG, Punjab.

DEEPAK GUPTA, J. (ORAL)

Though bailable warrants issued against appellant has been received back unexecuted with report that the same could not be executed due to paucity of time but perusal of the file would reveal that appearance for the appellant was lastly made on 09.08.2018 and ever since then, nobody is appearing for him.

2. In the aforesaid circumstances, this Court proceeds to dispose of the present appeal on merits.

3. Impugned judgment and conviction as passed by the trial Court has been perused. Appellant Jaswinder Singh was tried by Ld. Additional Sessions Judge-cum-Fast Track Court, Bathinda in a case arising out of FIR No.51 dated 23.04.2000 under Sections 363, 366-A of the IPC registered at Police Station Rampura. After trial, the appellant was convicted under Sections 363 and 366-A of the IPC vide judgment dated 09.07.2004 by the trial Court and was sentenced to undergo rigorous imprisonment for a maximum period of 03 years and to pay fine of ₹500/- with default sentence of maximum two months rigorous imprisonment in case of non-payment of fine.



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

5. Today nobody is appearing on behalf of the appellant. This Court has gone through the impugned judgment of the trial Court and finds that conviction has been recorded after proper appreciation of the evidence on record. This Court does not find any reason so as to interfere in the impugned judgment of conviction and as such, the same is hereby maintained.

6. However as far as the impugned order of sentence is concerned it is noticed that appellant was sentenced for a maximum period of 03 years and to pay fine of ₹500/- with default sentence of maximum two months rigorous imprisonment in case of non-payment of fine.

7. The custody certificate placed on record by the respondent-State would reveal that appellant has already undergone actual custody sentence of 07 months and 29 days. It is revealed further that he has no criminal antecedents. Nothing has been brought on record to suggest that after this conviction, appellant has been involved in any other case.

8. 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.

9. 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.

10. However, it is made clear that amount of fine, if not paid earlier, shall be deposited before learned Chief Judicial Magistrate



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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.

**(DEEPAK GUPTA)
JUDGE**

May 07, 2025

Neetika Tuteja

Whether Speaking/reasoned Yes/No

Whether Reportable Yes/No