



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

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**203**

**CRR-1462-2008 (O&M)**

**Date of Decision.:05.03.2025**

**Karnail Singh**

**.....Petitioner**

**Vs.**

**State of Punjab**

**.....Respondent**

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

Present:- None for the petitioner.

Mr. Puru Jarewal, AAG, Punjab.

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

Petitioner Karnail Singh was tried by Ld. Sessions Court, Gurdaspur in a case arising out of FIR No.54 dated 27.04.2004 under Sections 452/427 of IPC registered at Police Station Dinanagar, as he was found demolishing the temporary boundary wall constructed around the plot of Raj Kumar etc. having area of 4 ½ Marlas purchased vide sale deed dated 11.09.1996 by the complainant party and also damaged the chopper installed in the above referred plot.

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

3. Today nobody is appearing on behalf of the petitioner. 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.

4. However as far as the impugned order of sentence is concerned it is noticed that petitioner was sentenced for a period of 09

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months rigorous imprisonment and to pay a fine of ₹200/- under Section 427 IPC with default sentence of 01 month rigorous imprisonment in case of non-payment of fine and 03 months rigorous imprisonment and to pay a fine of ₹200/- under Section 447 IPC with default sentence of 10 days rigorous imprisonment in case of non-payment of fine.

5. The custody certificate placed on record by the respondent-State would reveal that petitioner has already undergone actual custody sentence of 01 month and 27 days.

6. 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 petitioner, instead of sending him behind bars in the company of hardened criminals.

7. 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 petitioner is sentenced to imprisonment for the period already undergone by him.

Disposed of.

**( DEEPAK GUPTA )  
JUDGE**

**March 05, 2025**

Neetika Tuteja

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