



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

204

CRR-3159-2014

Date of Decision:-15.07.2025

MALKIT SINGH

.....PETITIONER

Vs.

STATE OF PUNJAB

....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Ashit Malik, Advocate, for the petitioner.

Ms. Pratibha Bali, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

Petitioner was tried by Ld. Judicial Magistrate Ist Class, Rajpura in a case arising out of FIR No.256 dated 12.12.2005, under Sections 279, 338, 304A IPC, registered at Police Station Sadar Rajpura. After trial, the petitioner was convicted under Sections 279, 338, 304A IPC vide judgment dated 03.06.2013 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of six months and to pay fine of ₹1,000/- and in default thereof, to undergo simple imprisonment for seven days under Section 279 IPC; to undergo rigorous imprisonment for a period of one year and to pay fine of ₹1,000/- and in default thereof, to undergo simple imprisonment for seven days under Section 304A IPC and to undergo rigorous imprisonment for a period of one year and to pay fine of ₹1000/- and in default thereof, to undergo simple imprisonment for seven days under Section 338 IPC vide order of sentence. On appeal, the judgment of conviction and order of sentence were upheld by the Court of learned Additional Sessions Judge, Patiala vide judgment dated 14.07.2014.

2. Against the abovesaid conviction and sentence, this petition



was filed.

3. Today learned counsel for the petitioner stated at the outset that petitioner does not press the petition against the judgment of conviction; and that petitioner confines his prayer only against the order of sentence. It is submitted that petitioner 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 assessment year 2005; that petitioner-Malkit Singh has already undergone actual sentence of 04 months and 27days 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 petitioner-Malkit Singh has already undergone actual custody sentence of 04 months and 27 days. It is revealed further that he has no criminal antecedents.

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

8. Consequently, the present petition 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. As far as fine is concerned, it will remain the 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.

**(DEEPAK GUPTA)
JUDGE**

July 15, 2025

Pry

Whether Speaking/reasoned	Yes
Whether Reportable	No