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IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRA-S-317-2025 (O&M)  
Date of decision: 09.04.2025

HARPREET SINGH

....Appellant.

Versus

STATE OF PUNJAB

...Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. T.P.S. Bawa, Advocate for the appellant.  
Mr. Ankit Grewal, DAG, Punjab.

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SANJIV BERRY, J. (ORAL)

CRM-3757-2025 and 3758-2025

1. Aforesaid applications for stay of recovery of fine and suspension of sentence respectively, are not pressed at this stage, as the learned counsel for the applicant-appellant is ready to argue appeal on merit.

2. Accordingly both the applications stand disposed of as not pressed.

Main case

1. Instant appeal has been preferred against the judgment of conviction and order of sentence dated 03.10.2022, passed by learned Sessions Judge, Ferozepur, whereby the appellant had been held guilty in case FIR No.166 dated 01.12.2019, under Section 379-B, 341, 411, 34, 201



IPC registered at Police Station Makhu, Ferozepur. The appellant was convicted and sentenced as under: -

Name of convict	Offence	Period of sentence and fine imposed	Period of sentence in default of payment of fine.
Harpreet Singh	379-B IPC	RI for 10 years with a fine of ₹ 10,000/-	RI for one year.
	341 IPC	RI for 1 month	-
	411 IPC	RI for 2 years	-

2. Feeling aggrieved by the aforesaid conviction and order of sentence, appellant had preferred the present appeal.

3. It has been *inter alia* contended by learned counsel for the petitioner at the very outset that the petitioner does not challenge the finding recorded by the learned trial Court in the conviction and order of sentence dated 03.10.2022, passed by learned Sessions Judge, Ferozepur but his only limited prayer is for seeking modification of the order of sentence dated 03.10.2022 passed by the learned trial Court (supra) by submitting that the petitioner has already undergone 05 years 03 months 20 days in custody and petitioner is ready to deposit the fine, as such, he prayed that the period already undergone by the petitioner in custody may be treated as sentence undergone and the impugned order of sentence may be modified accordingly.

4. Learned State Counsel has produced the custody certificate dated 08.04.2025 to contend that the appellant has already undergone 05 years 03 months 20 days out of the total sentence of 10 years awarded to him.

5. After hearing the arguments advanced by learned counsel for the parties, it transpires that although the learned counsel for the appellant has not challenged the genuineness of the impugned judgment of conviction and order of sentence dated 03.10.2022, passed by learned Sessions Judge, Ferozpur, but from the perusal of the impugned judgment, it transpires that it is based on correct appreciation of evidence on record and does not suffer from any infirmity so as to call for any interference. As a consequence, the conviction recorded vide judgment dated 03.10.2022, passed by learned Sessions Judge, Ferozpur against the appellant is hereby upheld.

6. Coming to the limited request raised by the learned counsel for the appellant in this case seeking modification of order of sentence dated 03.10.2022, admittedly as per the custody certificate, the appellant has already undergone 05 years 03 months 20 days of actual custody. Therefore, in these circumstances considering the fact that the appellant has already undergone 05 years 03 months 20 days of actual custody out of 10 years awarded vide the impugned order of sentence dated 03.10.2022, it is deemed a fit case where order of sentence can be modified, as no minimum sentence is prescribed for the said offences for which appellant has been convicted.

7. Resultantly, in the circumstances of the case, the present appeal is disposed of by upholding the impugned judgment dated 03.10.2022, however, with the modification in the impugned order of sentence dated 03.10.2022 passed by learned Sessions Judge, Ferozpur, thereby reducing the sentence of the appellant to actual undergone by him and to pay fine of ₹10,000/- imposed vide impugned order dated 03.10.2022. In default of the



payment of fine, he has to further undergo rigorous imprisonment for 01 month.

8. Pending application(s), if any, shall stands disposed of.

09.04.2025

**(SANJIV BERRY)**  
**JUDGE**

Gyan

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|-----|----------------------------|--------|
| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |