

**CRA-S-988-SB-2003 and
CRA-S-2298-SB-2004**

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

Date of Decision: 08.04.2015

1. CRA-S-988-SB-2003

Dalsher

... Appellant(s)

Versus

State of Haryana

... Respondent(s)

AND

2. CRA-S-2298-SB-2004

Mani Ram

... Appellant(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. Mandeep Kaushik, Legal Aid Counsel,
the appellants in both the appeals.

Mr. Naveen Sheoran, DAG, Haryana.

Paramjeet Singh, J.(Oral)

None has put in appearance on behalf of the appellant. Mr.
Mandeep Kaushik, Advocate is appointed Legal Aid Counsel to assist
the Court on behalf of the appellant.

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Heard.

This order shall dispose of CRA-S-988-SB-2003, titled 'Dalsher vs. State of Haryana' and CRA-S-2298-SB-2004, titled 'Mani Ram vs. State of Haryana' as challenge in both the appeals is to the judgment of conviction dated 20.03.2003 and order of sentence dated 25.03.2003 passed by learned Additional Sessions Judge, Jind whereby appellants have been convicted and sentenced as under:

<i>Sr. No.</i>	<i>Name of convict</i>	<i>Under Section</i>	<i>Sentence awarded</i>
1	Dalsher s/o Chander Bhan, r/o Nagura	307/34 IPC	To undergo rigorous imprisonment for seven years and to pay fine of ₹ 2000/-.
		353/34 IPC	To undergo rigorous imprisonment for two years and to pay fine of ₹ 1,000/-
		25 Arms Act	To undergo rigorous imprisonment for three years.
2	Mahi Ram son of Kitab Singh, r/o Badhana	307/34 IPC	To undergo rigorous imprisonment for seven years and to pay fine of ₹ 2000/-
		353/34 IPC	To undergo rigorous imprisonment for two years and to pay fine of ₹ 1,000/-

In default of payment of fine, the appellants-accused have been ordered to further undergo rigorous imprisonment for six months. All the substantive sentences have been ordered to run concurrently.

I need not dilate upon the facts of this case in detail as the same have already been recapitulated in the judgment of the learned Court below and in view of the ultimate prayer of the appellants seeking reduction in sentence.

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I have heard the learned counsel for the parties and perused the record.

Learned counsel for the appellants states that he is not pressing these appeals on merit and is not challenging the conviction on merit. He is only aggrieved against the sentence part. Learned counsel for the appellants prays that sentence of the appellants be suitably reduced as this criminal trial is hanging on their heads like Damocle's sword for about 15 years and it should be a sufficient mitigating circumstance to treat them leniently. Learned counsel for the appellants has further submitted that FIR relates to the year 2000 and since then a period of about 15 years has elapsed. The appellants have suffered the ordeal of trial for this long period. Learned counsel for the appellants submits that appellant-Dalsher has already undergone imprisonment of approximately two years and eight months including remission and appellant-Mani Ram has already undergone imprisonment of approximately six years and four months including remission.

In view of the arguments advanced by learned counsel for the appellants, this Court is of the view that no useful purpose will be served by sending the appellants behind the bars as the appellants had already faced ordeal for about 15 years. It is a fit case wherein sentence awarded to the appellants can be reduced to already undergone. Ordered accordingly. The impugned order of sentence and conviction stand affirmed with aforesaid modification. The appellants-Dalsher and Mani Ram are stated to be on bail as their sentence has already been

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suspended by this Court vide orders dated 20.05.2005 and 27.04.2006.

However, if the amount of fine is not paid, the appellants will have to undergo default imprisonment for a period of six months as awarded by the trial Court.

With the observations made above, both the appeals are disposed of.

08.04.2015
prince

(Paramjeet Singh)
Judge