

CRA-S-2795-SB of 2010

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

CRA-S-2795-SB of 2010
Date of decision: 06.05.2015

Sahida

....Appellant

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: - Mr. Dilpreet Singh, Advocate, for
Mr. Gautam Dutt, Advocate, for the appellant.
Mr. Naveen Sheoran, DAG, Haryana.

PARAMJEET SINGH, J. (ORAL)

Present criminal appeal has been preferred by the appellant against judgment of conviction dated 14.07.2010 and order of sentence dated 19.07.2010 passed by the learned Additional Sessions Judge, Palwal, in a case arising from FIR No.265 dated 02.09.2001 registered under Sections 147/148/149/324/353/332/186/307 IPC and Section 25 of the Arms Act, 1959 at Police Station Hathin, whereby appellant has been sentenced to undergo rigorous imprisonment for a period of two years for an offence punishable under Section 147 IPC, to undergo rigorous imprisonment for a period of three years for an offence punishable under Section 332 read with Section 149 IPC, to undergo rigorous imprisonment for a period of five years and to pay fine of Rs.5,000/- for an offence punishable under Section 333 read with Section 149 IPC, in default of payment of fine to further undergo rigorous imprisonment for

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a period of one year and to undergo rigorous imprisonment for a period of two years for an offence punishable under Section 353 read with Section 149 IPC. All the 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 appellant seeking reduction in sentence.

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

Learned counsel for the appellant states that he is not pressing this appeal on merit and is not challenging the conviction on merit. He is only aggrieved against the sentence part. He prays that the sentence of the appellant be suitably reduced as this criminal trial is hanging on his head like damocle's sword for about fourteen years and it should be a sufficient mitigating circumstance to treat him leniently. Learned counsel for the appellant has further submitted that the FIR pertains to the year 2001 and since then a period of about fourteen years has elapsed. The appellant has suffered the ordeal for long period. Learned counsel for the appellant further contends that out of five years the petitioner has already undergone sentence for 04 years, 08 months and 24 days.

In view of the arguments advanced by learned counsel for the appellant, which have been noted above, this Court is of the view that no

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useful purpose will be served by keeping the appellant behind the bars further as the appellant faced ordeal for about fourteen years. It is a fit case wherein sentence awarded to the appellant can be reduced to already undergone. Ordered accordingly. The impugned judgment of conviction and order of sentence and, including default clause, stand affirmed with aforesaid modification. It goes without saying that if the amount of fine is not deposited, the appellant will serve the default part of sentence.

With the observations made above, present appeal is disposed of with a direction that the appellant be released immediately, if not required in any other case.

(Paramjeet Singh)
Judge

May 06, 2015
R.S.