

CRA-S-3868-SB of 2014

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

CRA-S-3868-SB of 2014 (O&M)

Date of decision: 07.07.2015

Sandeep @ Sannata

....Appellant

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: - Mr. Navneet Singh, Advocate, for the appellant.

Mr. C.S. Bakshi, Addl. A.G., Haryana.

PARAMJEET SINGH, J. (ORAL)

Challenge in this appeal is to the judgment of conviction and order of sentence dated 08.08.2014 passed by learned Additional Sessions Judge, Sonapat, whereby appellant has been convicted and sentenced as under: -

<i>“U/s</i>	<i>Imprisonment & fine</i>	<i>In default</i>
<i>307 IPC</i>	<i>R.I. for 5 years & ₹ 5,000/-</i>	<i>3 months</i>
<i>25(1)(1b)(a) of the Arms Act</i>	<i>R.I. for 2 years & ₹ 2,000/-</i>	<i>1 month</i>

Both 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 Court below and in view of the ultimate prayer of the appellant 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 appellant states that it is a no injury case. He further 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. However, 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 the last 2½ 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 2013 and since then a period of 2½ years has elapsed. The appellant has suffered the ordeal for long period. This is case of no injury. The appellant now has reformed.

Learned counsel for the State vehemently opposed the reduction in sentence.

Ancient penological approach was custodial measure to curb crime. But in modern days, penological approach should be balanced keeping in view the needs of the community and interests of the accused: such as compensation to the victims, release on admonition, probation etc. These are being adopted to reform the criminal convicts. The object of criminal justice system is to reform the offenders and to make them see and follow the right path. Otherwise also jails are often overcrowded.

In view of the arguments advanced by learned counsel for the

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appellant, which have been noted above, this Court is of the view that no useful purpose will be served by keeping the appellant behind the bars further as the appellant faced ordeal for a long period. 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 orders 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 remaining 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.

In view of above CrI. Misc. No.14009 of 2015 for suspension of sentence of the appellant during the pendency of appeal has been rendered infructuous. Ordered accordingly.

(Paramjeet Singh)
Judge

July 07, 2015
R.S.