

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

Crl. Appeal S-1832-SB of 2004

Date of Decision : July 27, 2017

Jagsir Singh @ Mira @ Bandemar

.....Appellant

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE T.P.S. MANN

Present : Mr. Sunil Kumar Dhanda, Advocate for
Mr. Rajesh Lamba, Advocate
for the appellant.

Mr. Pramjeet Singh, Asstt. A.G., Haryana.

T.P.S. MANN, J. (Oral)

The appellant, alongwith Shamsheer Singh was tried for committing the offences punishable under Sections 392, 394, 397 read with Section 34 IPC. The appellant was also tried for committing the offence punishable under Section 25 of the Arms Act. Vide judgment and order dated 19/23.8.2004, learned Additional Sessions Judge, Fatehabad acquitted the appellant and his co-accused Shamsheer Singh of the charges under Sections 392/394/397/34 IPC. The appellant was, however, convicted under Section 25(1-B)(a) of the Arms Act and sentenced to undergo rigorous imprisonment for two years and to pay a fine of Rs. 2,000/- and in default of payment of fine, to

further undergo simple imprisonment for six months.

Learned counsel for the appellant has not challenged the impugned judgment of conviction passed by the trial Court to the extent of convicting him under Section 25(1-B)(a) of the Arms Act. However, he has submitted that the appellant is facing the agony of criminal prosecution for the last more than fifteen years. Out of the sentence of two years imposed upon him, he has already undergone a period of about ten months. He already stands absolved of the main charge. When he was heard by the trial Court on the quantum of sentence, he had pleaded that he was a poor person and required to look after his old parents. Prayer has, accordingly, been made for taking a lenient view in the matter of sentence of imprisonment.

Learned State counsel has opposed the prayer by submitting that the appellant was found in possession of countrymade pistol of .315 bore when he was apprehended by the police party. He did not carry any licence or permit to possess the same. The sentence awarded by the trial Court is commensurate with the crime committed by him. He has, however, placed on record the custody certificate, as per which the appellant has undergone total sentence of nine months and twenty eight days out of the sentence of two years imposed upon him.

After hearing learned counsel for the parties, this Court finds that the appellant, who has already undergone a substantial portion of the sentence of imprisonment imposed upon him and is on bail for the last about thirteen years, need not be sent behind the bars, once again, for undergoing his remaining sentence of imprisonment. Ends of justice shall be suitably met, if his substantive sentence of imprisonment is reduced to the one already undergone by him.

Resultantly, the conviction of the appellant under Section 25 (1-B)(a) of the Arms Act is upheld. His substantive sentence of imprisonment is reduced to the one already undergone by him. The fine of Rs. 2,000/- imposed upon him by the trial Court is, however, enhanced to Rs. 5,000/-. The fine amount be deposited by him in the Court of learned Chief Judicial Magistrate, Fatehabad within a period of three months from today, failing which he shall be required to undergo simple imprisonment for six months.

The appeal is, accordingly, disposed of.

July 27, 2017
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(T.P.S. MANN)
JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No