

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

Crl. Appeal S-289-SB of 2005
Date of Decision : April 18, 2017

Ran Singh @ Renu

.....Appellant

VERSUS

State of Haryana

.....Respondent

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

Present : Mr. Aman Pal, Advocate

Mr. Ashok S. Chaudhary, Addl. A.G., Haryana

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

In order to challenge the judgment of conviction dated 15.12.2004 and order of sentence dated 16.12.2004 passed by learned Additional Sessions Judge, Rewari, the appellant has filed the present appeal.

Vide impugned judgment and order, the trial Court convicted the appellant under Section 394 IPC and sentenced him to undergo rigorous imprisonment for ten years and to pay a fine of Rs. 1,000/- and in default of payment of fine, to undergo rigorous imprisonment for one year. He was also convicted under Section 397 IPC and sentenced to undergo rigorous imprisonment for seven years and to pay a fine of Rs. 500/- and in default of payment of fine, to undergo rigorous imprisonment

for six months. He was also convicted under Section 25 of the Arms Act and sentenced to undergo rigorous imprisonment for two years and to pay a fine of Rs. 500/- and in default of payment of fine, to undergo rigorous imprisonment for three months. All the substantive sentences were ordered to run concurrently. The period of imprisonment already spent by him during the investigation or trial was ordered to be set off against his substantive sentence of imprisonment.

According to the prosecution, on 1.10.1999, complainant-Gajraj, Cashier of DHVPN got his statement recorded with SI Bharat Singh, Station House Officer, Police Station Sadar, Rewari stating therein that he was posted as Cashier in Pali Sub Office of the Electricity Board. On that day, he alongwith Om Parkash, Lineman, Ude Bhan, Assistant Lineman and Durga Ram, Sweeper went to State Bank of India, Rewari on Government Matador No. HNM-2365 which was being driven by Rajender Singh for withdrawing the salaries of the employees. An amount of Rs. 4,71,682.40 Ps was withdrawn and put in a bag. After withdrawing the aforementioned amount, they started for Pali power house. He was sitting on the front side along side the driver whereas the other three were sitting on the rear seat. Pay roll was also in the cash bag. At about 3.30 p.m., when they had crossed Khori bus stop and reached in the area of

village Tint, a Jeep came from behind at a fast speed and halted in front of their vehicle. Due to the same, their vehicle struck against the Jeep. Two boys of young age alighted from the Jeep. They were holding pistols in their hands. One of them asked the other addressing his name as Rena to fire the bullet at which the boy named Rena fired at Rajender, driver, hitting him on his head. The boy named Rena asked the other addressing him as Vikram to fire bullet and said Vikram then fired a shot. He also asked another young man sitting at the steering wheel of the Jeep to reverse it immediately. After placing his pistol on the temple of the complainant, Vikram snatched the bag containing money from him. All of them then fled away in their Jeep towards Rewari. The Jeep bore registration No. HR-26D-7121. Rajender driver was then taken in an injured condition to Civil Hospital, Rewari.

Learned counsel for the appellant has not challenged the impugned judgment of conviction passed by the learned trial Court. However, he has submitted that the appellant is facing the agony of criminal prosecution for the last more than seventeen years. Out of the sentence of ten years imposed upon him, he has already undergone total sentence of more than six years and ten months. When he was heard by the learned trial Court on the quantum of sentence, he had pleaded that he was unmarried 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 imposed upon him.

Learned State counsel has vehemently opposed the prayer by submitting that there are serious allegations against the appellant of having fired at Rajender, hitting him on his head and, thereafter, the appellant and his co-accused had snatched the bag containing the amount of Rs. 4,71,682.40 Ps from the complainant. While producing the custody certificate, learned State counsel has stated that apart from the present case, the appellant was involved in two cases under the Excise Act and six cases under the various provisions of the Indian Penal Code.

A perusal of the custody certificate shows that the appellant was convicted in two cases under the Excise Act and sentenced to the period already undergone. Further, the six cases under the various provisions of the Indian Penal Code finally resulted in his acquittal. Further, out of the sentence of ten years imposed upon him, the appellant has undergone total sentence of six years, ten months and twenty three days.

Having heard learned counsel for the parties, this Court is of the view that the sentence of imprisonment of ten years imposed upon the appellant for the offence under Section 394 IPC is on the higher side and requires to be reduced to imprisonment for seven years. At the same time, no case is

made out for any interference in the sentence of seven years imposed upon him for the offence under Section 397 IPC and sentence of two years for the offence under Section 25 of the Arms Act.

Resultantly, the conviction of the appellant under Sections 394 and 397 IPC and Section 25 of the Arms Act is upheld. His sentence of imprisonment of ten years for the offence under Section 394 IPC is reduced to rigorous imprisonment for seven years. The sentences of seven years imposed upon him for the offence under Section 397 IPC and two years for the offence under Section 25 of the Arms Act are maintained. The sentences of fines alongwith their default clauses are also maintained. All the substantive sentences of imprisonment shall run concurrently.

The appeal is, accordingly, disposed of.

April 18, 2017
ajay-1

(T.P.S. MANN)
JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No