

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

**Criminal Appeal S-2178-SB of 2012
Date of Decision: May 19, 2017**

Maman Singh	Versus	Appellant
State of Haryana		 Respondent

Criminal Appeal S-3835-SB of 2013

Hoshiyar	Versus	Appellant
State of Haryana		 Respondent

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

Present : Mr. Paras Talwar, Advocate
for appellant-Maman Singh.

Mr. Ravinder Malik, Advocate
for appellant-Hoshiyar.

Mr. Kapil Aggarwal, Addl. A.G., Haryana.

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

The two appellants, namely, Maman Singh and

Hoshiyar, were tried for committing offences punishable under Sections 394/397/34 IPC. Hoshiyar appellant was also tried for committing offence under Section 25 of the Arms Act. Vide judgment and order dated 28.5.2012/7.6.2012, learned Additional Sessions Judge, Rewari, convicted and sentenced them as mentioned below:-

- (i) Rigorous imprisonment for ten years and to pay a fine of Rs.5,000/- each under Section 394/34 IPC and in default of payment of fine, to undergo additional rigorous imprisonment for two months;
- (ii) Rigorous imprisonment for seven years and to pay a fine of Rs.5,000/- each under Section 397/34 IPC and in default of payment of fine, to undergo additional rigorous imprisonment for two months; and
- (iii) Hoshiyar appellant to undergo rigorous imprisonment for three years and to pay a fine of Rs.2,000/- under Section 25 of the Arms Act and in default of payment of fine, to undergo additional rigorous imprisonment for two months

All the sentences of imprisonment were ordered to run

concurrently. The sentences awarded to them in this case were ordered to run concurrently with the sentence of imprisonment imposed upon them in earlier case, i.e. FIR No. 173 dated 14.6.2008 under Sections 302/394/397 IPC, Police Station Dharuhera.

According to the prosecution, on 19.11.2009 at 2.25 p.m., VT message from Control Room Rewari was received at Police Station Khol, pursuant to which, EASI Veer Singh alongwith police party reached Punjab National Bank Branch, Mundi (Nangal), where he came across Nanak Chand Rajora, Manager of the Bank, who suffered statement that on 19.11.2009 at about 10.45 a.m., two young boys armed with guns entered into his cabin and after threatening the cashier of the bank and getting the locker open, they looted cash amount of Rs.4,70,000/- on gun point and, thereafter, fled away on a black pulsar motor-cycle. On the basis of the statement made by complainant Nanak Chand Rajora, FIR No. 245 dated 19.11.2009 under Sections 394/397/34 IPC and Section 25 of the Arms Act was registered at Police Station Khol.

Learned counsel for the appellants have not challenged the impugned judgment of conviction passed by the learned trial Court. However, they have submitted that the appellants are facing the agony of criminal prosecution for the last

more than seven years. They have old and aged parents to support. They are sole bread winner of their respective families. Therefore, a lenient view in the matter of their sentence of imprisonment may be taken.

Learned State counsel has vehemently opposed the prayer by submitting that the sentences of imprisonment imposed upon the appellants by the learned trial Court are commensurate with the crime committed by them. He has also submitted that apart from the present case, both the appellants are involved in a couple of other criminal cases.

After hearing learned counsel for the parties and taking into consideration the totality of the circumstances, this Court is of the view that sentence of imprisonment for ten years imposed upon the appellants for the offence under Section 394/34 IPC is on the higher side. Ends of justice shall be suitably met if the same is reduced to seven years. At the same time, no case is made out for any interference in the sentence of imprisonment imposed upon the appellants for the offence under Section 397/34 IPC and, qua Hoshiyar appellant, for the offence under Section 25 of the Arms Act.

Resultantly, the conviction of the appellants for the offences under Section 394/34 IPC and Section 397/34 IPC and of Hoshiyar appellant under Section 25 of the Arms Act is upheld.

The substantive sentence of imprisonment for ten years imposed upon them for the offence under Section 394/34 IPC is reduced to rigorous imprisonment for seven years each. The substantive sentence of imprisonment for seven years imposed upon the appellants for the offence under Section 397/34 IPC and of three years under Section 25 of the Arms Act in respect of Hoshiyar appellant is maintained. The sentences of fine alongwith their default clauses are also maintained. Their substantive sentences of imprisonment shall run concurrently.

Both the appeals are, accordingly, disposed of.

May 19, 2017
amit rana

(T.P.S. MANN)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No