

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

CRR No.2810 of 2010

Date of Decision : 04.10.2017

Ramesh Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Rishi Nijhawan, Advocate
for the petitioner.

Mr. D.R. Singla, Deputy Advocate General, Haryana
for the respondent-State.

SUDIP AHLUWALIA, J. (ORAL)

The petitioner in this case was convicted of the offence under Section 25(1B)(a) of the Arms Act (for short 'the Act') as he was found in possession of an unlicensed country-made pistol with live cartridge. He was awarded punishment to the extent of Rigorous Imprisonment for 01 year apart from a fine of ₹1000/-.

2. Ld. Counsel for the petitioner has not challenged the petitioner's conviction but seeks leniency in the matter of sentence. It has been submitted in this regard that the petitioner would be entitled to a lesser sentence by virtue of the proviso to Section 25(1B)(a) of the Act, for the reasons that he was a young man of about 22 years

when the case against him was started on 20th April, 2003 and that he has undergone the rigorous of criminal trial for well in excess of 14 years now, and that before dismissal of his appeal by the Ld. Court of Sessions, he had undergone a substantial period of detention post his conviction.

3. In this regard a number of judgments by Co-ordinate Benches of this Court have been cited. In **'Surjit Singh vs. State of Punjab-Criminal Revision No.1059 of 1989'**, a Co-ordinate Bench of this Court had modified the sentence for the same offence awarded to the petitioner, who had faced legal proceedings for 16 years, by ordering his release on probation after observing *inter alia*, "*the object of the law is not to punish the offender but also to reclaim him, if possible*".

4. Similarly in **'Mohinder Singh Vs. State of Punjab-Criminal Appeal No.121-SB of 1982'**, the convict who was aged 24 years at the time of commission of offence under Section 25 of the Act was similarly ordered to be released on probation. In **'Sukhdev Singh Vs. State of Punjab-Criminal Appeal No.152-SB of 1993'**, the sentence awarded to the convict, who had faced trial was reduced to that already undergone (01 month and 09 days) as there was no criminal record against him before or after the incident.

5. Similar were the decisions in **'Shiv Kailash Vs. State of**

Punjab-Criminal Revision No.3142 of 2015' and '***Gurdev Singh Vs. State of Punjab-Criminal Revision No.586 of 1988'***.

6. In the present case, the petitioner has undergone actual sentence for a period of 02 months and 18 days and admittedly he is not known to be involved in any other similar case before or after the concerned occurrence. He therefore appears to be entitled to be dealt with a similar fashion.

7. Consequently, the present petition is disposed off by modifying the order of sentence awarded to the present petitioner to the extent that he may be released on Probation provided, he furnishes bail bonds and surety bonds in the sum of ₹10,000/- with one surety of the like amount for a period of 01 year to the satisfaction of the Ld. Chief Judicial Magistrate, Kaithal to the effect that during the period of one year, he shall maintain peace and be of good behaviour. The petitioner shall appear before the Ld. Chief Judicial Magistrate, Kaithal as and when called upon in case he violates the terms of undertaking. The sentence regarding payment of fine shall however remain intact.

LCR be returned.

October 04, 2017

Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No