

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

CRR No.364 of 2017 (O&M)

Date of Decision:03.04.2017

Sunder Lal @ Balli

... Petitioner

Versus

State of Haryana

... Respondent

CRR No.578 of 2017 (O&M)

Devinder

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Diwan S. Adlakha, Advocate,
for the petitioner in CRR No.364 of 2017.

Mr. Davinder Kumar, Advocate,
for the petitioner in CRR No.578 of 2017.

Mr. Satish Saini, DAG, Haryana.

TEJINDER SINGH DHINDSA, J.

This order shall dispose of CRR No.364 of 2017 (Sunder Lal @ Balli Vs. State of Haryana) and CRR No. 578 of 2017 (Devinder Vs. State of Haryana). Both these revision petitions are being taken up together as they are directed against the common judgment dated 16.01.2017 passed by the learned Additional Sessions Judge, Yamuna Nagar at Jagadhri and in terms of which the judgment of conviction dated 21.09.2012 and order of sentence dated 22.09.2012 passed by the learned Judicial Magistrate Ist Class, Jagadhri convicting the petitioners herein for offence under Sections 392 and 394 of the Indian Penal Code has been affirmed.

The petitioners/accused in these two connected petitions have

been awarded sentence of simple imprisonment for 01 year and to pay a fine of Rs.500/- for each of the offence under Sections 392/394 IPC.

Mr. Diwan S. Adlakha, Advocate appearing for Sunder Lal @ Balli (petitioner in CRR No.364 of 2017) and Mr. Davinder Kumar, Advocate, appearing for Devinder (petitioner in CRR No.578 of 2017) make a statement, at the very outset, that they would not be assailing the conviction of the petitioners on merits but pray for reduction of sentence.

I have gone through the judgment of conviction and affirmed by the Additional Sessions Judge, Yamuna Nagar and find the same has been recorded upon due appreciation of evidence and by assigning cogent and valid reasoning. Conviction of the petitioners as such does not call for any interference. However, this Court finds sufficient mitigating circumstances for reduction of sentence.

The process of law had been set in motion on the complaint of Jagjivan Ram and who has stated on 27.10.2005 at about 12.30 p.m. after leaving his sister, children and brother-in-law was returning from Saharanpur and having reached Sarsawa Toll Barrier, three young boys in the age group of 25-26 met him and asked him to drop them at Kohli Hospital. Complainant demanded Rs.100/- as fare for the car that he was driving. Complainant asserted that the boys having sat in the car told him that they are willing to pay him a further sum of Rs.200/- so as to take the patient admitted in the hospital to another location.

Allegations in a nutshell are that one of the young boys sitting in the rear seat had given an iron rod blow on his head and upon which he alighted from the car and started running. Meanwhile, one motorcycle came there and on seeing the light of the motorcycle, the assailants/accused left

him but took away his car.

The incident relates back to the year 2005. The petitioners have faced the pangs of trial followed by appeal for more than a decade. As per custody certificates of the petitioners furnished by learned State counsel Sunder Lal @ Balli (petitioner in CRR No. 364 of 2017) has undergone an actual sentence period of 03 months and 11 days as on 27.03.2017. Devinder (petitioner in CRR No.578 of 2017) has undergone an actual custody period of 04 months and 10 days as on 27.03.2017. Apart from Sunder Lal i.e. petitioner in CRR No.364 of 2017 stated to be facing a complaint under Section 138 of the Negotiable Instruments Act, there are no other criminal proceedings stated to be pending against the petitioners. Both the petitioners are of a young age. During the course of trial, they had been admitted to bail and they had not misused such concession.

In the considered view of this Court and in the light of mitigating circumstances noticed hereinabove, it would be a fit case for reduction in sentence as such a view would be in furtherance of a reformatory process as both the petitioners who are of a young age and have their entire life in front of themselves.

In my view, the ends of justice would be met if the substantive sentence awarded to the petitioners of 01 year simple imprisonment is reduced to 05 months.

For the reasons recorded above, both the petitions are disposed of by maintaining the conviction of the petitioners but reducing the sentence awarded to them to a period of 05 months simple imprisonment.

Petitioners would be released on completion of such reduced period of sentence and upon deposit of fine if not already paid.

Both the petitions are disposed of accordingly.

03.04.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No