

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

CRA-S-1533-SB of 2018

DATE OF DECISION :- May 18, 2018

Manjeet @ Jeeta and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. Ashutosh Bhardwaj, Advocate
for Ms. Preeti Sharma, Advocate for the appellants.

Mr. Neeraj Poswal, AAG, Haryana.

At request of learned counsel for the petitioners, the main case is taken up today itself for final hearing.

This petition for regular bail has been filed by petitioners Deepak @ Bachhi and Manjit @ Jeeta, accused in F.I.R. No. 160 dated 19.05.2016 for offences under Sections 398, 401 IPC and 25 of the Arms Act registered with Police Station Sadar Jind.

Accused Manjeet @ Jeeta, Deepak @ Bachhi and Neeraj were tried by Sessions Judge, Jind and vide judgment dated 15.12.2017 they were acquitted of the charge for offences under Sections 398 and 401 IPC, however, they were convicted for an offence under Section 25 of the Arms Act for possessing illegal arms in the form of pistols and live cartridges and vide order dated 18.12.2017 they were sentenced to undergo rigorous imprisonment for a period of 3 years and to pay a fine of Rs.5,000/- each

and in default of payment of fine to further undergo simple imprisonment for 2 months. Convict Neeraj has deposited the amount of fine, whereas it is not so with regard to Deepak @ Bachhi and Manjeet @ Jeeta. Deepak @ Bachhi and Manjeet @ Jeeta have filed an appeal before this Court which has since been admitted for hearing and recovery of fine has been ordered to remain stayed during the pendency of the appeal vide order dated 18.4.2018.

I have heard learned counsel for the petitioners, learned State counsel besides going through the record.

Learned counsel for the petitioners states that he does not challenge the judgment of conviction passed by the Court below but wants to make submissions with regard to the sentence imposed. According to him, appellant Manjeet @ Jeeta is a poor person and a college student having aged parents to look after, whereas appellant Deepak @ Bachhi is also a poor person and source of financial support to his family. Manjeet @ Jeeta and Deepak @ Bachhi are behind bars for more than two years, as such a lenient view be taken.

As per custody certificate placed on record by the State counsel, appellant Manjeet @ Jeeta is shown to have undergone 2 years and 18 days of total sentence. He is shown to be involved in several other criminal cases. Appellant Deepak @ Bachhi is also shown to have undergone 2 years and 18 days of imprisonment. He is also shown to be involved in several other criminal cases. However, striking a balance between the circumstances explained by learned counsel for the appellants and considering the antecedents of the appellants and further that they have

already undergone more than 2 years of imprisonment out of substantive imprisonment of 3 years, I am of the view that ends of justice shall be adequately met if appellants are sentenced to imprisonment already undergone by them in this case, whereas the fine part is kept intact. With such modification, the appeal stands disposed of.

Appellants Deepak @ Bachhi and Manjeet @ Jeeta are stated to be in jail in this case. So they are ordered to be released immediately, on payment of fine if their custody is not required in connection with any other case.

**(H.S. MADAAN)
JUDGE**

May 18, 2018
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No