

CRR-599-2021

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

**CRR-599-2021 (O & M)
Date of decision: 30.09.2021**

Ankit

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Ms. Kamaljeet Kaur, Advocate,
for the petitioner.

Mr. Pardeep Prakash Chahar, DAG, Haryana.

HARNARESH SINGH GILL, J. (Oral)

Case is taken up for hearing through video conferencing.

Custody certificate by way of affidavit of the Superintendent, Special Home, Sonipat, has been filed through e-mail. Print out of the same is taken on record.

The conviction of Ankit, the petitioner for an offence punishable under Sections 323, 324 and 506 IPC recorded by the learned Principal Magistrate, Juvenile Justice Board, Panipat, vide judgment dated 05.04.2016, has been maintained by the learned Additional Sessions Judge, Panipat, vide judgment dated 01.03.2021. However, the sentence awarded to the petitioner by the learned Principal Magistrate, Juvenile Justice Board, Panipat, has been modified by the learned Additional Sessions Judge.

It is pertinent to mention here that learned Principal Magistrate, Juvenile Justice Board, Panipat, had sent the

CRR-599-2021

petitioner to Special Home, Ambala, for two years for the involvement in commission of the offences punishable under Sections 323, 324 and 506 IPC.

However, the learned Additional Sessions Judge, Panipat, has modified the aforesaid sentence in a following manner:

Under Section	Punishment
323 IPC	Six months period in Special Home for reformative purposes.
324 IPC	One year period in Special Home for reformation purposes.
506 IPC	Six months period in Special Home for reformative purposes.

All the sentences have been ordered to run concurrently.

Today at the time of arguments, learned counsel for the petitioner does not question the judgments of conviction of the petitioner recorded by the courts below and for that reason, the facts are not required to be reproduced here. Learned counsel for the petitioner has made submissions only on the aspect of sentence on which this Court has heard him as well as the learned State counsel.

While making submissions qua the quantum of sentence, learned counsel for the petitioner would submit that the petitioner has no shady past and was under 18 years of age at the time of the alleged commission of wrong; that he has been facing the trial since 2015. Under these circumstances, the sentence imposed upon the petitioner may be reduced to the one already undergone by him. In support of his contentions, the learned counsel would rely upon the judgments rendered by the Hon'ble Supreme Court in **Mahesh** Vs. **State of Rajasthan and others**

CRR-599-2021

2018(2) R.C.R. (Criminal) 687 and by this Court in **Bhola Ram** Vs. **State of Punjab** 2015(33) R.C.R. (Criminal) 707.

On the other hand, learned State counsel, while opposing the submissions made by the learned counsel for the petitioner, would submit that the sentence awarded to the petitioner is in proportion to the offences committed by him. The petitioner does not deserve any leniency.

I have heard the learned counsel for the parties.

Having heard the learned counsel for the parties and after a lucid examination of the record, this Court finds that both the courts below have rightly convicted and sentenced the petitioner under Sections 323, 324 and 506 IPC. There is no manifest error in the concurrent findings recorded by the courts below.

Thus, in my opinion, in view of the evidence on record, there is no scope for least interference in the findings of the Courts below, so far as the conviction under Sections 323, 324 and 506 IPC is concerned. Hence, the conviction of the petitioner under these sections is maintained.

However, the fact remains that the present FIR was registered on 21.09.2015; that the petitioner has been facing the agony of protracted trial for the last more than 06 years; that by now, the petitioner has undergone the actual sentence of 06 months and 28 days out of the aforesaid substantive sentence of one year.

In this backdrop, while upholding the conviction of the petitioner under Sections 323, 324 and 506 IPC, the substantive

CRR-599-2021

sentence imposed upon the petitioner is reduced to the one already undergone by him. The petitioner be released forthwith in this case, if not required in any other case.

Revision Petition is disposed of in the above terms.

30.09.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No