

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

**CRA-S No.4110-SB of 2015
Date of Decision: 20.04.2022**

Mustak

..... Appellant

versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Manish Soni, Advocate
for the appellant.

Mr. Rajat Gautam, DAG, Haryana.

ANOOP CHITKARA J.

1. The challenge is laid on the order dated 15.07.2013 passed by the learned Additional Sessions Judge, Rewari.
2. In brief, it is alleged that on 05.05.2012, the appellant/accused Mustak along with Aarif and Ajju herein the co-accused stopped moving truck starting from the Pali Zone from Dilpura, Rajasthan bearing No.HR 66 7321 with their Bolero car. It is alleged that the accused along with the co-accused forcibly tied limbs of the victims/complainant named Jitesh, the truck driver along with Raju, the cleaner of the aforesaid truck. The accused took away Rs.15,000/- along with one Nokia phone and drove the truck and left the victims at Midkbla village. On the complaint of the victim, Jitesh an FIR No.47 at police station Sadar, Rewari on 06.05.2012 under Section 395 of IPC and Sections 25, 54 and 59 of Arms Act was registered against the aforesaid accused/appellant.
3. The accused/appellant was arrested in another FIR bearing No.27 dated 18.04.2012 wherein the accused in his disclosure statement mentioned that he is also involved in the aforesaid case and later on the co-accused were also added in the same manner. The aforesaid truck was recovered from Gokalgarh at

Pataudi. The accused Mustak and co-accused were convicted under Section 392 of IPC vide order dated 15.07.2013 where he was awarded 07 years of rigorous imprisonment along with Rs.5000/- fine. The appellant is implicated only on the basis of disclosure statement and on the statement of only one witness, Jitesh, the driver of the truck.

4. Learned counsel for the appellant submits that the appellant has already undergone 06 years, 03 months and 23 days out of the total sentence of 07 years and prayed for reduction of sentence to the period already undergone by him.

5. Learned State counsel filed custody certificate and the same is taken on record. Learned State counsel has no serious objection to the prayer.

6. Given above, the appeal is dismissed with further modification in the sentence awarded by the trial Court to the extent that the appellant is sentenced to the period which he has already undergone. His bail bond/surety bond stands discharged. He be released immediately if he is not required to any other case.

(ANOOP CHITKARA)
JUDGE

20.04.2022

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