

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.

CRA-S-888-2024(O&M)

Date of Decision:-03.04.2024

Hardev Singh & Anr.
.....Appellants.
Vs.
State of Haryana.
.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr Ashish Grewal, Advocate for the Appellants.
Mr. Rajeev Goel, Deputy Advocate General, Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The instant appeal has been preferred by the appellants-accused against the judgment of conviction dated 03.02.2024 and order of sentence dated 05.02.2024 passed by the Sessions Judge, Yamuna Nagar.

2. The brief facts of the case are that one Simran wife of Sandeep got registered an FIR with the allegations that while she was going on foot carrying a white & green purse in her hand two youths came on a black Splendor motor cycle and the youth riding pillion snatched her purse containing Rs.4,000/-, ATM Card, Corona Card, Aadhaar Card, a pair of silver anklets and a silver locket with word Simran inscribed thereon.

During the course of the investigation the appellants came to be arrested. The report under Section 173(2) Cr.PC came to be presented against them and on conclusion of the Trial they came to be convicted and sentenced by the court of Sessions Judge, Yamuna Nagar as under:-

Sr. No.	Offences under Section	Imprisonment	Fine	In default of fine imprisonment
1.	Section 411 IPC	RI for 06 Months each	Rs.1000/- each	RI for 15 days each

4. The instant appeal has been filed challenging the aforementioned judgment.

5. The appeal was admitted vide order dated 04.03.2024. Today the case was listed for hearing the application bearing CRM-9908-2024 seeking suspension of sentence. However, the counsel for the appellants prays that main appeal itself be heard on merits. On his oral request the main appeal is ordered to be taken up on regular board for hearing today itself.

6. The Counsel for the appellants contend that there was no physical description of the culprits in the complaint leading to the registration of the FIR. The number of the motor cycle used in the commission of the offence was also not disclosed. The supplementary statement of the complainant also did not further the prosecution case. No CCTV footage was collected from the alleged place of incident. The recoveries had been planted upon the appellants. No independent witness was joined during the course of the investigation. He, therefore, contends that the judgment of conviction and order of sentence was liable to be set aside and the appellants ought to be acquitted of the charges framed against them.

7. The Counsel for the State has placed on record custody certificates both dated 02.04.2024 of the appellants as per which appellant Hardev Singh had undergone custody of 03 months and 03 days and appellant-Bakshi Singh had undergone custody of 03 months and 04 days respectively out of the awarded sentence of 06 months. He contends that the recovery of the motor cycle was effected at the instance of the appellants. The snatched articles were also recovered from their possession. Merely because there was no independent corroboration of the prosecution case did not falsify the same as no motive of previous enmity has been suggested to the witnesses and there was no reason as to why they would depose falsely and plant a false recovery upon the appellants. He therefore contends that no fault could be found with the impugned judgment and the appeal was liable to be dismissed.

8. I have heard learned Counsel for the parties.

9. A perusal of the evidence on record would clearly establish that the appellants came to be apprehended and the motor cycle used in the occurrence was recovered at their instance. Further the articles snatched

from the complainant were also recovered from them. There is absolutely no evidence of any previous enmity between the investigating agency on the one hand and the appellants on the other. In fact the offence stands established against the appellants beyond any reasonable doubt.

10. In view of the above discussion, I find no ground to interfere with the well reasoned judgment of conviction and order of sentence recorded by the Sessions Judge, Yamuna Nagar. Resultantly, the appeal stands dismissed.

11. As regards the imposition of sentence, it may be pointed out that the appellants are first time offenders. They have undergone imprisonment of more than 03 months out of their awarded sentence of 06 months. In this view of the matter, while upholding their conviction, I deem it appropriate to reduce their sentence to the period already undergone by them. However, the sentence of fine and sentence in default of payment of fine shall remain intact.

12. The appeal stands disposed of in the above terms.

(JASJIT SINGH BEDI)
JUDGE

April 03, 2024
Vinay

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