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

CRR-710-2012

DECIDED ON: 03.09.2024

BALKAR SINGH AND ORS.

.....PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Nonish Kumar, Advocate
for the petitioners.

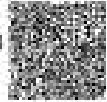
Mr. B.S. Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1 The present criminal revision petition has been preferred against the judgment dated 25.02.2012 passed by Addl. Sessions Judge, Karnal whereby, the judgment dated 23.02.2010 and order of sentence dated 24.02.2010 passed by Judicial Magistrate Ist Class, Karnal has been affirmed.

2. At the very outset, learned counsel for the petitioners contends that he does not want to challenge the conviction of the petitioners on merits. However, he submits that in view of the circumstances of the case, the sentence awarded by the trial Court is on higher side.

3. Here it would be pertinent to mention that the petitioners did not challenge their conviction on merits and only confined their relief qua the quantum of sentence. This Court has also scrutinized the impugned judgments

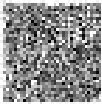


as well as the relevant documents/evidence and is of the considered view that there is no scope for any interference in impugned judgments as far as the conviction of the petitioners is concerned. As such, the conviction of the petitioners is upheld.

4. As far as the quantum of sentence is concerned, there are mitigating circumstances to take a lenient view in the matter of sentence awarded by the trial court. Apart from the fact that the petitioners have already faced the agony of protracted trial for a period of almost eight years, they are sole bread winners for their respective families and have small children to support them. The petitioners No.1 to 4 have already undergone the actual sentence for a period of 01 month and 21 days whereas petitioner No.5-Mitru has already undergone the actual sentence for a period of 22 days as of now, out of the total substantive sentence of six months. Thus, this court is of the considered view that a chance be given to the petitioners to reform & improve them; to become a model citizens; and to lead a peaceful & harmonious life. Though, it is evident that the petitioners are not involved in any other case whatsoever, which is sufficient for this Court to infer that they are not habitual offender.

5. Taking into consideration the above narrated discussion as well as the fact that the petitioners have not challenged their conviction on merits, while affirming their conviction, the order of sentence is modified to the extent to the period already undergone by them with no change to the fine clause.

6. With the aforesaid modification in the quantum of sentence, the present criminal revision petition stands disposed off.



7. The petitioners are ordered to be released forthwith in case they are not required in any other case.
8. Pending criminal misc. application, if any shall also disposed off.

03.09.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No