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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

105

CRA-S-3453-2024 (O&M)
Date of decision: 05.11.2024

Shishan Pal

...Appellant

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Vishal Yadav, Advocate
for the appellant.

Mr. Arjun Lakhanpal, Addl. A.G., Haryana.

Mr. Yashveer Kharb, Advocate
for the complainant.

MANISHA BATRA, J. (Oral)

1. The present appeal has been filed against the judgment of conviction dated 10.10.2024 and order on quantum of sentence dated 11.10.2024, passed by the Court of learned Additional Sessions Judge, Panipat in case titled as *State vs. Manoj @ Vinod and another*, arising out of FIR No. 1088 dated 22.11.2019, registered under Sections 307, 323, 452 read with Section 34 of the IPC and Sections 25 and 27 of the Arms Act, 1959 at Police Station City Panipat, District Panipat, whereby the appellant was held guilty for commission of offence punishable under Section 452 read with Section 34 of IPC and Section 24(1A) of the Arms Act and was sentenced to undergo a maximum rigorous imprisonment for a period of 05 years with default clause of fine.

2. Today, learned counsel for the appellant has made a statement so as not to press the present appeal against the judgment of conviction passed by

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the trial Court. Learned counsel confines his prayer against the order of sentence only. It is further submitted that the appellant has already undergone actual sentence of 04 years, 01 month and 06 days including the period undergone by him as an under-trial. It is further submitted that though the appellant is shown to be involved in some other cases also but those cases were registered prior to registration of the present case. Hence, it is submitted that looking into these circumstances, the appellant may be sentenced for the period already undergone by him.

3. Reply filed by the respondent-State along with the custody certificate is taken on record. Learned State Counsel, assisted by learned counsel for the complainant, has no serious objection to the prayer made by the appellant, though learned counsel for the complainant has submitted the appellant does not deserve to be given benefit as prayed for by him. As per custody certificate, the appellant has already undergone actual sentence of 04 years, 01 month and 06 days as awarded by the learned trial Court.

4. After hearing the counsel for the parties, I uphold the judgment of conviction passed by the trial Court as the same is based on appreciation of prosecution evidence, proving guilt of the appellant. However, considering the fact that the appellant has faced the agony of protracted trial and he has already undergone actual sentence of 04 years, 01 month and 06 days and is not shown to be involved in any other case subsequent to registration of the present case, which shows that he has improved his character and has joined the mainstream of the society, the order on quantum of sentence dated 11.10.2024 is modified to the extent that the same is reduced to the period

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already undergone by him. However, the fine imposed upon the appellant is upheld.

5. The appellant is directed to be released from custody forthwith, if not required in any other case, on depositing the amount of fine as imposed by the trial Court. His personal/surety bonds be discharged accordingly. Copies of this order be sent to Jail Superintendent as well as learned trial Court forthwith.

05.11.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No