

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S No.39 of 2024 (O&M)
Date of decision: 28th August, 2024

Manish & another

... Appellants

Versus

State of Haryana

... Respondent

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sanjiv Sheoran, Advocate for the appellants.
Mr. Gagandeep S. Chhina, Asst. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J.

1. The appellants have filed this appeal challenging the judgment of their conviction dated 19.12.2023 passed by the Court of learned Additional Sessions Judge, Rewari. The appellants were convicted and sentenced as follows:

Offence	Sentence
Section 332 read with Section 34 IPC	Rigorous Imprisonment for one year and to pay a fine of ₹ 500/- each and in default of payment of fine, they shall further undergo Simple Imprisonment for a period of one month.
Section 353 read with Section 34 IPC	Rigorous Imprisonment for one year and to pay a fine of ₹ 500/- each and in default of payment of fine, they shall further undergo Simple Imprisonment for a period of one month.
Section 307 read with Section 34 IPC	Rigorous Imprisonment for five years and to pay a fine of ₹ 5,000/- each and in default of payment of fine, they shall further undergo Simple Imprisonment for a period of three months.
Section 25 of	Rigorous Imprisonment for three years and to pay a



Arms Act	fine of ₹ 1,000/- each and in default of payment of fine, they shall further undergo Simple Imprisonment for a period of two months.
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All the sentences were ordered to run concurrently.

2. At the outset, learned counsel for the appellants has fairly conceded that, in light of the factual findings recorded by the learned trial Court, he will not press the instant appeal on its merits. Instead, learned counsel seeks relief solely concerning the quantum of the sentence. Learned counsel argues that the incident in question occurred in 2018, and the appellants have endured the agony of a protracted trial for over six years. He further submits that the appellants have led disciplined lives since the incident and have not been involved in any other criminal case. Additionally, they have already served 3 ½ years of their five year substantive sentence. Given these facts and circumstances, the learned counsel for the appellants prays that the Court take a lenient view and reduce their sentence to the period already served, as further imprisonment would serve no useful purpose. It has been submitted that appellants are willing to pay enhanced fine, which may be imposed by this Court.

3. Per contra, learned State counsel has argued that the manner in which the crime in question was executed coupled with the fact, that the case was proved by the prosecution during trial, does not entitle the appellants to any leniency. A prayer has therefore been made for dismissal of the instant appeal.



4. After hearing the parties and perusing the material on record, including the impugned judgment as well as the custody certificates which have been placed on record by the learned State counsel today, this Court finds no illegality or perversity in the judgment passed by the learned trial Court, which is accordingly upheld.

5. Coming to the prayer made by the appellants for a reduction in their sentence, it is to be noted that they were sentenced to five years of imprisonment, of which they have already served 3 ½ years, as per the custody certificates provided by the learned State counsel. Learned State counsel has not disputed that the appellants are not involved in any other criminal case. Moreover, since the occurrence in question took place in the year 2018, the appellants have not been involved in any other illegal or criminal activities and have not misused the bail granted to them during these preceding years coupled with the fact that it is a case of no injury, as also not controverted by the learned State counsel.

6. Given these facts and circumstances, this Court deems it appropriate to accept the prayer of the appellants and reduce their substantive sentence to the period already undergone. In the preceding years, ever since the appellants were booked in the present case, they have been burdened with significant responsibilities. The Court cannot overlook the fact that the ultimate goal of punishment in a modern, civilized society is the reformation of the offender. In some cases, it may not be necessary to incarcerate an offender, who has had the opportunity to repent for his crime.



7. Hon'ble the Supreme Court in ‘**Ved Parkash vs. State of Haryana**’ 1981 (1) SCC 447 observed that *“it is the duty of the sentencing Court to be activist enough to collect such facts as have a bearing on punishment with a rehabilitating slant”*.

8. Considering the facts and circumstances of this case, as well as the submissions made by the learned counsel for the appellants, this Court is of the considered view that justice will be served by maintaining the conviction of the appellants while reducing their substantive sentence to the period already served.

9. However, the fine imposed upon the appellants is increased from ₹ 7,000/- each to ₹25,000/- each under Section 307 of the IPC and Section 25 of the Arms Act, 1959. It is made categorically clear that if the fine is not deposited with the trial or successor Court, within two months from the date of this order, the benefit of reduction of sentence will not accrue to the appellants, and they will be required to serve out the remaining part of their sentence. Upon deposit of the fine, the enhanced amount shall be disbursed to the injured/complainant, upon proper identification.

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

(MANJARI NEHRU KAUL)
JUDGE

August 28, 2024
rps

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