

2024 PHHC:166568



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

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CRA-S-3960-2024 (O&M)
Date of decision: 16.12.2024

Kulwinder Singh @ Kalu**...Appellant****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

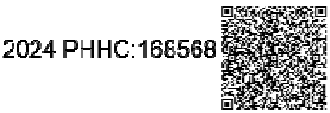
Present:- Mr. D. S. Virk, Advocate
for the appellant.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. The present appeal has been filed against the judgment of conviction and order on quantum of sentence, both dated 18.11.2024, passed by the Court of learned Judge Sessions Judge, Kaithal in case titled as ***State vs. Kulwinder Singh @ Kalu and others***, arising out of FIR No. 127 dated 22.07.2023, registered under Sections 201, 392, 397, 451, 458 and 483 of IPC at Police Station Dhand, Kaithal, whereby the appellant was held guilty for commission of offence punishable under Sectionb 483 of IPC and was sentenced to undergo rigorous imprisonment for a period of 02 two years and to pay fine of Rs. 10,000/- and in default of payment of fine, he was directed to further undergo rigorous imprisonment for a period of 03 months.

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 the learned trial Court. Learned counsel confines his prayer against the order of sentence only. It is further submitted that the appellant is not a previous convict nor any other case of similar nature is pending against him and so



looking into these circumstances, the appellant may be sentenced for the period already undergone by him.

3. Learned State Counsel has no serious objection to the aforesaid prayer. He has filed custody certificate, as per which, the appellant has already undergone actual sentence of 06 months and 13 days out of total sentence of 02 years as awarded by the learned trial Court.

4. After hearing learned counsel for the parties, I uphold the judgment of conviction passed by the learned 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 06 months and 13 days and is not involved in any other case of similar nature, which shows that he has improved his character and has joined the mainstream of the society, the order on quantum of sentence dated 18.11.2024 is modified to the extent that the same is reduced to the period 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 fine as imposed by the learned trial Court. His personal/surety bonds be discharged accordingly.

6. Let a copy of this order be sent forthwith to Jail Superintendent as well as to the Court concerned for intimation and compliance.

7. Since the main case stands disposed of, pending applications, if any, shall also be treated as disposed of.

16.12.2024
Parveen Sharma

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No