

358 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025:PHHC:163189



CRA-S-651-SB-2008 (O&M)

Date of Decision: 21.11.2025

RAMESH KUMAR AND ANOTHER ... APPELLANTS
VERSUS
STATE OF HARYANA ... RESPONDENT

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. S.S.Duhan, Advocate for the appellants.

Mr. Vijay Kumar, AAG Haryana.

H.S. GREWAL, J. (ORAL)

1. Present appeal has been filed against the judgment of conviction dated 12.02.2008 and order of sentence dated 15.02.2008 passed by the learned Sessions Judge, Jind whereby the appellants were convicted and sentenced to undergo as under:-

Charge: Under Sections 398, 401, 420, 471 IPC

Sentence: To undergo rigorous imprisonment as under:

(a) To undergo RI for a period of seven years each under Section 398 IPC.

(b) To undergo RI for a period of five years and fine of Rs.5,000/- each, in default of payment of fine, to further undergo rigorous imprisonment for a period of 5 months under Section 401 IPC.

(c) To undergo RI for a period of three years and fine of Rs.3,000/- each, in default of payment of fine to further undergo rigorous imprisonment for a period of 3 months under Section 420 IPC.

(d) To undergo RI for a period of five years and fine of Rs.5,000/- each, in default of payment of fine to further undergo rigorous imprisonment for a period of 5 months under Section 471 IPC.

All the sentences were ordered to run concurrently.

2. The case of the prosecution is that on 28-3-2004 at 9.30 PM,

ASI Sehdev Singh alongwith other police officials was present near crossing Hatt road, Safidon in connection Railway with patrolling duty. A secret information was received by the said ASI that four young boys with two motorcycles in the area of village Kurar having weapons in their hands standing on a bridge were trying to loot the passengers and passersby. Considering the information trustworthy, a raiding team was organized by the said ASI. The team proceeded towards the informed place. Light atop the vehicle with police party, was put off. When the jeep carrying the police party reached near the bridge, one of the accused giving light by the torch carried by him signaled the jeep to stop. When they reached near bridge, all the four boys swarmed the jeep. The accused with pistol had come towards the driver side. When they found the occupants of the jeep to be in police uniform, they tried to escape but were nabbed. Enquiries. were made from them They disclosed their identity. One pistol along with one live cartridge was recovered from accused Hakikat and one air gun was recovered from accused Jai Bahadur. One handle (Binda) of the shovel (Kassi) was recovered from accused Umed Singh. Accused Ramesh was carrying an iron rod and a torch with him was also recovered. Accused had tried to commit robbery when they were armed with deadly weapons.

3. Learned counsel for the appellants contends that he is not assailing the impugned judgment of conviction on merits and restricts his prayer qua modification of the order on quantum of sentence. He also contends that both the appellants were 21 years and 24 years of age, respectively and they have undergone custody for more than 02 years out of the awarded sentence of seven years. He prays that since FIR in question pertains to the year 2004, a lenient view may be taken while passing an order

on quantum by this Court.

4. Learned State counsel opposes the prayer of the appellants and filed the custody certificates in the Court, which are taken on record. He further submits that the Court below has passed a well reasoned judgment based on correct appreciation of evidence available on record.

5. I have heard learned counsel for the parties and have gone through the material placed on record.

6. The FIR in the present case pertains to the year 2004 and the appellants have already faced the rigors of the trial for more than 21 years.

7. Hon'ble the Supreme Court in "***Deo Narain Mandal Vs. State of UP***", (2004) 7 SCC 257, has held that awarding of sentence is not a mere formality in criminal cases. When a minimum and maximum term is prescribed by the statute with regard to the period of sentence, a discretionary element is vested in the Court. Background of each case, which includes factors like gravity of the offence, the manner in which the offence is committed, age of the appellants, should be considered while determining the quantum of sentence and this discretion is not to be used arbitrarily or whimsically. After assessing all relevant factors, proper sentence should be awarded bearing in mind the principle of proportionality to ensure the sentence is neither excessively harsh nor does it come across as lenient.

8. Further, a Division Bench of the Hon'ble Supreme Court in ***Ravada Sasikala Vs. State of AP***, AIR 2017 SC 1166, has held that the imposition of sentence also serves a social purpose, as it acts as a deterrent by making the accused realise the damage caused not only to the victim, but also to the society at large. The law in this regard is well settled that opportunities of reformation must be granted and such discretion is to be

exercised by evaluating all attending circumstances of each case by noticing the nature of the crime, the manner, in which the crime was committed and conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.

9. A perusal of the judgment of conviction passed by the Court below indicates no perversity in their findings and the same is based on correct appreciation of evidence available on record. However, learned counsel for the appellants has not assailed the judgment, rather restricted the prayer only qua modification of quantum of sentence to that of the sentence already undergone by the appellants.

10. As far as the question of quantum of sentence is concerned, it is worthwhile to note that the occurrence in this case pertains to the year 2004. The right to speedy and expeditious trial is one of the most valuable and cherished rights guaranteed under the Constitution. The appellants have already suffered the agony of protracted trial, spanning over a period of more than 21 years and has been in the corridors of the court for this prolonged period. In view of the facts noted above, the case of the appellants deserve to be dealt with leniency. The appellants also deserves the benefit of the consistent view taken by this court in this regard. Thus, guided by the judicial pronouncements made by the Hon'ble Supreme Court in the cases of *Haripada Das Vs. State of West Bengal* reported in (1998) 9 SCC 678 and *Alister Anthony Pareira vs. [2023:RJ-JD:28174] (5 of 5) [CRLR-755/2003] State of Maharashtra reported in 2012 2 SCC 648* and considering the facts and circumstances of the case, age of appellants, their status in the society and the fact that they faced financial hardship and had to go through mental agony, this court is of the view that ends of justice would

be met, if sentence imposed upon the appellants is reduced to the period as already undergone by him.

11. Accordingly, judgment passed by the learned Sessions Judge, Jind is hereby affirmed but the quantum of sentence awarded by the Court concerned under Sections 398, 401, 420, 471 IPC has been modified and reduced to the period of sentence as already undergone by them. The appellants are on bail. They need not surrender. Their bail bonds are discharged.

12. With these modifications, the present appeal is disposed of.

13. Pending application(s), if any, shall also stand disposed of.

21.11.2025

Janki

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No

(H.S.GREWAL)
JUDGE