

**CRA-S-945-SB-2008****1**

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

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**CRA-S-945-SB-2008
Date of Decision: 10.11.2025**

NARENDER ALIAS NINDA**... APPELLANT**

VERSUS

STATE OF HARYANA**... RESPONDENT****CORAM : HON'BLE MR. JUSTICE H.S.GREWAL**

Present:- Ms. Sumanjit Kaur, Advocate for the appellant.

Mr. Tapan Masta, Addl. Advocate General, Haryana.

H.S. Grewal, J.(Oral)

1. This appeal has been filed against the judgment of conviction dated 22.04.2008 and order of sentence dated 23.04.2008 passed by the learned Addl. Sessions Judge, Panipat whereby convict was sentenced to undergo as under:

- a) Rigorous Imprisonment of seven years and to pay fine of Rs. 50,000/- under Section 307 of IPC and in default of payment of fine, to undergo further imprisonment of one year.
- b) Rigorous Imprisonment of seven years and to fine of Rs. 25,000/- under Section 450 of IPC and in default of payment of fine to undergo further imprisonment of six months.
- c) Rigorous Imprisonment of two years and to pay a fine of Rs. 10,000/- under Section 25 of Arms Act and in default of payment of fine, to undergo further imprisonment of three months.



2 The case of the prosecution is that on 14.02.2006 at about 9:00 PM, the complainant, along with Rajesh, Gurdev Singh and Mukesh, was present in the room of one Sukhi Ram's house. At that time, accused Narender and Surinder entered the room. Both were armed with country-made pistols and they opened fire at Rajesh. As a result, Rajesh sustained firearm injuries on his left shoulder and right abdomen. When the accused attempted to reload their weapons, the complainant and his companions tried to apprehend them. Consequently, Narender and Surinder fled from the spot, leaving behind Narender's *chaddar* and Surinder's jacket and *chappal*.

3. Learned counsel for the appellant contends that he is not assailing the impugned judgment of conviction dated 22.04.2008 on merits and restricts his prayer qua modification of the order on quantum of sentence, to the period as already undergone by the appellant, as according to the custody certificate dated 08.11.2025, he has already undergone a sentence of 03 years 01 months and 15 days out of awarded sentence of seven years. He further prays that since FIR in question pertains to the year 2006, a lenient view may be taken while passing an order on quantum by this Court.

4. On the other hand, learned State counsel opposes the prayer of the appellant by way of filing of custody certificate and submits that the Courts below have passed well reasoned judgments 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 2006 and he has already faced the rigors of the trial for more than 19 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 accused, 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 two-Judge 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 learned trial



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

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 2006. The right to speedy and expeditious trial is one of the most valuable and cherished rights guaranteed under the Constitution. The appellant has already suffered the agony of protracted trial, spanning over a period of more than 19 years and has been in the corridors of the court for this prolonged period. He is living peacefully for last one and a half decades as no report contrary to that has been received. In view of the facts noted above, the case of the appellant deserves to be dealt with leniency. The appellant 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 Bangal* 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 appellant, his status in the society and the fact that he 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 appellant is reduced to the one already undergone by him.



11. Accordingly, judgment of conviction and order of sentence dated 23.04.2008 passed by the learned Addl. Sessions Judge, Panipat is affirmed but the quantum of sentence awarded by the Court concerned under aforementioned Sections has been modified and reduced to the period of sentence he has already undergone till date as it would be sufficient and justifiable to serve the interest of justice. The recovered weapon (country made pistol) is confiscated to the State and be destroyed in accordance with law. The appellant is on bail. He need not surrender. His 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.

10.11.2025
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(H.S.GREWAL)
JUDGE

Whether speaking/reasoned

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Yes/No

Whether reportable

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Yes/No