



HARPREET SINGH BRAR, J. (ORAL)

1. This order of mine shall dispose of all the above-mentioned appeals as all are arising from the same FIR. For the sake of brevity, facts are borrowed from *CRA-S-572-SB-2005* titled as *Surinder vs. State of Haryana*.
2. The instant appeal has been preferred against the judgment of conviction dated 15.03.2005 and order of sentence dated 16.03.2005 passed by learned Additional Sessions Judge (Fast Track Court), Bhiwani in case stemming from FIR No.217 dated 16.06.2003 registered under Sections 489-A, B, C, D IPC.
3. The appellants were sentenced as under:

Name of appellant(s)	Offence under Section(s)	Sentence
Surinder	489(C)	RI for 05 years with a fine of Rs.1,000/-, in default of payment of fine to undergo SI for 01 month.
Sombir, Kuldeep, Hari Ram	489(B)	RI for 10 years with a fine of Rs.2,000/- each, in default of payment of fine to undergo SI for 06 month each.
	489(C)	RI for 05 years with a fine of Rs.1,000/- each, in default of payment of fine to undergo SI for 01 months each.
It was ordered that all the sentences shall run concurrently.		

4. Learned counsel(s) for the appellants contend that they are not assailing the impugned judgment of conviction dated 18.01.2007 on merits and restrict their prayer to modification of the order on quantum of sentence to that of the sentence already undergone by the appellants. As per their custody certificates, appellant-Surinder has undergone actual period of 02 months and 10 days; appellant-Hari Ram has undergone actual period of 06 months and 27



days; appellant-Sombir has undergone actual period of 06 months and 22 days and appellant-Kuldeep has undergone actual period of 02 years, 06 months and 01 day and they are not involved in any other case.

5. *Per contra*, learned State counsel opposes the prayer of the appellants as learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record, as such, they do not deserve any leniency.

6. I have heard learned counsel for the parties and perused the record with their able assistance.

7. In ***Deo Narain Mandal v. State of UP (2004) 7 SCC 257***, a Three Judge Bench of the Hon'ble Supreme Court has opined 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, 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 v. State of AP AIR 2017 SC 1166***, has reiterated 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 the 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. Moreover, learned counsel for the appellants has not assailed the judgment of conviction on merits, rather he has restricted his prayer only qua modification of quantum of sentence.

10. The FIR (*supra*) in the present case was lodged on 16.06.2003 and the appellants have been suffering the agony of trial for last more than 21 years. Since their conviction, the appellants have grown into law-abiding citizens and desire to live a peaceful life. As per their custody certificates, appellant-Surinder has undergone actual period of 02 months and 10 days; appellant-Hari Ram has undergone actual period of 06 months and 27 days; appellant-Sombir has undergone actual period of 06 months and 22 days and appellant-Kuldeep has undergone actual period of 02 years, 06 months and 01 day and they are not involved in any other case.

11. Accordingly, this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to the appellants is reduced to the period already undergone by them.

12. Consequently, all the present appeals are disposed of and the judgment of conviction dated 15.03.2005 passed by learned Additional



Sessions Judge (Fast Track Court), Bhiwani is upheld, however, the order of sentence dated 16.03.2005 is modified to the extent that the sentence of rigorous imprisonment for ten years awarded to appellants-Sombir, Kuldeep and Hari Ram and a fine of Rs.2,000/- each and sentence of five years awarded to appellant-Surinder and a fine of Rs.1,000/- along with default mechanism, is reduced to the period of sentence already undergone by them.

13. High Court Legal Services Committee is directed to pay remuneration to learned amicus curiae for the appellant(s) as per rules.

14. A photocopy of this order be placed on the file of other connected cases.

March 05, 2025
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(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No