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

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CRR-814-2025 (O&M)
Date of decision: 07.05.2025

Vinay and others**...Petitioners****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Akash Vashisth, Advocate
for the petitioners.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. The present revision petition has been filed against the judgment of conviction dated 10.11.2021 and order on quantum of sentence dated 11.11.2021, passed by the Court of learned Judicial Magistrate First Class, Bhiwani in criminal case bearing CIS No. CHI-1238/2015, titled as ***State vs. Vinay and others***, arising out of FIR No.210 dated 19.08.2015, registered under Sections 285 and 506 read with Section 34 of IPC and Section 25 of the Arms Act at Police Station Bawani Khera, whereby the petitioners were held guilty for commission of offence punishable under Section 285 read with Section 34 of IPC and were sentenced to undergo simple imprisonment for a period of six months with default clause of fine. Vide same judgment and order, petitioners Vinay, Sanjay and Sarmander were held guilty commission of offence punishable under Section 25 of the Arms Act as well and they were sentenced to undergo simple imprisonment for a period of two years with default clause of fine. The petitioners have also laid challenge to the judgment dated 27.02.2025, passed by the Court of learned Additional Sessions Judge, Bhiwani, whereby the

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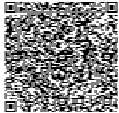
appeal filed by the petitioners against the aforesaid judgment of conviction and order on quantum of sentence passed by the learned trial Court was dismissed.

2. Today, learned counsel for the petitioners has made a statement so as not to press the present revision against the judgment of conviction, passed by the learned trial Court, as well as the judgment passed by the appellate Court. Learned counsel confines his prayer against the order of sentence only. It is further submitted that petitioners are not the previous convicts nor any other case is pending against them. The fine as imposed by the learned trial Court has already been deposited by the petitioners. So looking into these circumstances, the sentence of the petitioners may be reduced to the period already undergone by him.

3. Learned State Counsel has no serious objection to the aforesaid prayer. He has filed custody certificates, as per which, petitioners Vinay and Gajender @ Gaje Singh have already undergone actual sentence of 02 months and 25 days, whereas petitioners Sarmender and Sanjay have undergone actual sentence of 02 months and 16 days out of the sentence as awarded by the learned trial Court and upheld by the appellate Court and they are not involved in any other case.

4. After hearing the counsel for the parties, I uphold the judgments of conviction passed by the Courts below as the same are based on appreciation of prosecution evidence, proving guilt of the petitioners, however, considering the fact that the petitioners have faced the agony of protracted trial and they have already undergone substantive period of sentence and are not involved in any other case, which shows that they have improved their character and have joined the mainstream of the society, the order on quantum of sentence dated

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11.11.2021 is modified to the extent that the same is reduced to the period already undergone by them. However, the fine imposed upon the petitioners is upheld. The petitioners are directed to be released from custody forthwith, if not required in any other case. The petition stands disposed of accordingly.

5. Since the main petition stands disposed of, pending application, if any, shall also be treated as disposed of.

07.05.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No