

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

**CRA-S-790-2021
DECIDED ON: 11.07.2025**

VIJAY

.....APPELLANT

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Jagmohan Mohan, Advocate for the appellant.
Mr. Baljinder Singh Virk, Senior DAG Haryana

SANDEEP MOUDGIL, J (ORAL)

The instant appeal has been preferred by accused Vijay challenging judgment of conviction dated 13.01.2021 and order of sentence dated 18.01.2021 passed by learned Additional Sessions Judge, Gurugram whereby the appellant-Vijay has been sentenced to undergo RI for a period of 10 years along-with fine to the tune of Rs.25,000/- and in default thereof, to further undergo RI for a period of six months for commission of offence under Sections 379-B, 34 of IPC.

Learned counsel for the appellant submits that only the money was effected from the appellant, whereas snatched mobile was recovered from other co-accused namely Rahul.

At the very outset, learned counsel for the appellant contends that he does not want to challenge the conviction of the appellant on merits. However, he submits that in view of the circumstances of the case, the sentence awarded by the trial Court is on higher side.

Here it would be pertinent to mention that the appellant did not challenge his conviction on merits and only confined his relief qua quantum of sentence. This Court has also scrutinized the impugned judgment as well as the

relevant documents/evidence and is of the considered view that there is no scope for any interference in impugned judgment as far as the conviction of the appellant is concerned. As such, the conviction of the appellant is upheld.

As far as quantum of sentence is concerned, there are mitigating circumstances to take a lenient view in the matter of sentence awarded by the trial court. The appellant has undergone the actual sentence of 5 years, 1 month and 5 days out of total substantive sentence of 10 years, as of now, as per the custody certificate of the appellant filed by learned State counsel in Court today. Apart from that there is no body in his family to look after his family members, who are fully dependent upon him and he is only bread earner in his family. Thus, this court is of the considered view that a chance be given to the appellant to reform & improve himself; to become a good citizen; and to lead a peaceful & harmonious life. Though, it is evident that the appellant is also involved in other cases.

Taking into consideration the above narrated discussion as well as the fact that the appellant has not challenged his conviction on merits, while affirming his conviction, the order of sentence is modified to the extent to the period already undergone by him with no change in fine clause.

With the aforesaid modification in the quantum of sentence, the present appeal stands dismissed.

The appellant is ordered to be released forthwith in case he is not required in any other case.

Pending application(s), if any shall disposed off, accordingly.

(SANDEEP MOUDGIL)
JUDGE

11.07.2025

Meenu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No