

CRA-S-3154-SB-2012

IN THE HIGH COURT OF PUNJAB & HARYANA

AT CHANDIGARH

CRA-S-3154-SB-2012 (O&M)

JUDGMENT RESERVED ON	JUDGMENT PRONOUNCED ON	OPERATIVE PART PRO- NOUNCED OR FULL	UPLOADED ON
13.05.2026	20.05.2026	FULLY PRONOUNCED	20.05.2026

Vikas Kumar & another ... Appellant(s)

VS.

State of UT Chandigarh ... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. J.S. Dadwal, Advocate
for the appellant(s).

Mr. Alankrit Bhardwaj, APP UT, Chandigarh.

Mr. K. Bhatnagar, Advocate for
Mr. S.K. Bawa, Advocate
for the complainant-victim.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Section
49	28.02.2010	Sector 11, Chandigarh	307/506/34 IPC

Criminal Case number before the Sessions Court	Sessions Case No.000019 of 25.10.2010 Com.ID No.36014R0136042010
Date of Decision	09.10.2012
Names of convicts/appellants	Vikas Kumar; Rahul
Conviction under section	307/34 IPC
Sentence imposed	RI for 2 years along with fine of Rs.1000/- each.

1. Seeking setting aside of the judgment of conviction, whereby the appellant-convicts stand convicted and sentenced, as noticed above, they have approached this Court by way of the present criminal appeal.
2. Vide order dated 02.11.2012 of this Court, the present appeal was admitted and vide subsequent order dated 08.01.2013, sentence awarded to the appellants was suspended

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during the pendency of this appeal.

3. At the outset, counsel for the appellants submitted that he is not arguing the case on merits, but would be content and satisfied if the sentence awarded to the appellant-convicts is reduced to the period already undergone by them. He further submitted that the pendency of the criminal prosecution itself has been a punishment, as it has depleted all their financial resources and caused continuous mental trauma. He also submitted that the appellants undertake not to repeat the offence, to live as decent human beings, and assure this Court that they shall be law-abiding citizens in future.

4. The applicant-convicts have also filed CRM-38522-2025 under Section 528 BNSS read with Section 359 BNSS for compounding of offences on the basis of the compromise effected between the appellant Vikas Kumar and the victim. It has been submitted that the appellants were convicted in the year 2012 and, since then, circumstances have changed considerably. One accused, namely Sunil @ Taga, had already been declared a proclaimed offender during the trial, whereas accused Ravinder was acquitted. The remaining two accused-convicts have rebuilt their relationship with the victim and have resolved all their disputes long ago. They no longer bear any grudge against each other and the matter now stands amicably compromised between appellant Vikas Kumar and the victim.

5. Counsel for the complainant-victim did not dispute the submissions made on behalf of the appellants.

6. On the basis of the custody certificates dated 13.05.2026 pertaining to the appellant-convicts, learned State counsel opposed the prayer made on behalf of the appellants on the ground that they have been convicted for a heinous offence punishable under Section 307 IPC and have undergone only about four to five months of the actual sentence awarded to them.

7. At this stage, counsel for the appellants, while referring to the mitigating circumstances, submitted that both the appellants are first offenders and at the relevant time of commission of alleged offence, they were 18 and 22 years of age. Their entire future lies ahead of them and they deserve an opportunity for reformation and course correction.

8. I have heard counsel for the parties as well as the State.

9. Perusal of the custody certificate reflects that appellant(s) have already undergone about 4 to 5 months of the substantive sentenced of 2 years imposed upon them.

10. Considering the submissions made by learned counsel for the appellants as well as learned State counsel, coupled with the compromise arrived at between appellant Vikas

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Kumar and the victim and the mitigating circumstances pointed out on behalf of the appellants, this Court is of the considered opinion that the ends of justice would be adequately met in case the order of conviction is maintained, but the substantive sentence imposed upon the appellants is reduced to the period already undergone by them. However, the appellants shall remain liable to pay the fine as imposed by the trial Court.

11. Consequently, the present appeal is partly allowed to the extent that while maintaining the judgment of conviction/order of sentence dated 09.10.2012 passed by the trial Court, the substantive sentence imposed upon the appellants is reduced to the period already undergone by them. However, the appellants shall deposit/pay the fine amount, as imposed by the trial Court, within a period of one month from today, if not already deposited. In default of payment of fine/compensation, the appellants shall further undergo imprisonment for a period of one week.

12. With the aforesaid observations, the present appeal stands disposed of. Bail bonds and surety bonds are discharged. All pending applications, if any also stand disposed of.

(ANOOP CHITKARA)
JUDGE

20.05.2026
AK

Whether speaking/reasoned:	Yes
Whether reportable:	No