

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

237

2026:PHHC:060536



CRR-762-2017 (O&M)
Date of decision: 20.04.2026.

SHISHPAL

...Petitioner(s)

VERSUS

STATE OF HARYANA

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Raj Kapoor Malik, Advocate,
for the petitioner.

Mr. Paras Talwar, Sr. DAG, Haryana.0

VINOD S. BHARDWAJ, J. (Oral)

The instant criminal revision petition has been preferred against the judgment of conviction dated 23.07.2015 and the order of sentence dated 24.07.2015 passed by the Judicial Magistrate First Class, Kaithal, whereby the revisionist-petitioner has been convicted for commission of offence under Section 25 of the Arms Act, 1959 and sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.2,000/- and in default of payment of fine to further undergo rigorous imprisonment for two months.

A further challenge is also made to the judgment dated 24.01.2017 passed by the Sessions Judge, Kaithal, whereby the appeal

preferred by the petitioner against the judgment of conviction and order of sentence dated 23.07.2015/24.07.2015, respectively has been dismissed.

Hence the present revision petition.

The following order came to be passed on 07.12.2018: -

Learned State counsel has filed custody certificate of the petitioner. The same is taken on record.

Learned counsel for the petitioner states that he is not pressing the prayer to challenge the judgment of conviction and confines only to the reduction of sentence and prays for time to cite the case law.

On his request, adjourned to 04.02.2019.”

Since the petitioner has chosen not to assail the judgment of conviction and has confined his submissions solely to the question of reduction of sentence, counsel for the petitioner has been heard on the issue of quantum of sentence.

Learned counsel appearing on behalf of the petitioner submits that the FIR in the present case pertains to the year 2011 and that a considerable period of time has elapsed since then, during which the petitioner has faced the ordeal of a protracted trial spanning nearly one and a half decades. It is further contended that, as per the custody certificate dated 17.04.2026 placed on record, the petitioner has already undergone actual custody for a period of 10 months and 22 days. Learned counsel submits that the petitioner was approximately 18 years of age at the time of the occurrence and that a substantial period of about 15 years has passed thereafter. He also submits that the petitioner has familial responsibilities to discharge and in view of the totality of circumstances, including the long lapse of time and the

custody already undergone, the sentence imposed upon the petitioner deserves to be reduced to the period already undergone.

State counsel, on the other hand, contends that petitioner in the present case is a hard core criminal and is involved in serious and heinous offences, including those punishable under Sections 392, 397, 399 and 401 of the Indian Penal Code, 1860, as well as under the Arms Act. It is contended that, as reflected from the custody certificate, there are five other criminal cases of a similar nature pending against the petitioner. It is further submitted that the petitioner stands convicted in two other criminal cases. Learned State counsel also points out that as many as 30 criminal cases had been registered against the petitioner in the past, in which he has been acquitted by the Courts on different dates. Referring to the petitioner's involvement in a large number of cases, it is contended that certain cases have been registered, and even convictions recorded, subsequent to the registration of the present FIR and even after the disposal of appeals by the Sessions Court. It is thus urged that the petitioner has not shown any signs of reformation and continues to indulge in criminal activities. On the strength of the aforesaid, learned State counsel submits that the petitioner, having consciously chosen to persist in a life of crime, is not entitled to any leniency or sympathy in the matter of sentencing.

I have heard the learned counsel appearing for the respective parties and have gone through the documents appended along with the present petition and also the custody certificate that has been filed by the State.

Taking into consideration that the petitioner is involved in a large number of cases of similar nature, including those registered even subsequent to his conviction in the present case, it is evident that he has consciously

chosen to pursue a path of criminality. The material on record does not indicate any discernible inclination towards reformation. The cases registered against him also include offences under Section 307, 379 and 399 IPC apart from other offences under the Arms Act. The details of 05 undertrial cases and 02 other cases wherein the petitioner has been convicted are as under: -

1	FIR No. 119/2020, dated 04/05/2020, U/s 61/1/14 EXCISE ACT, PS: CIVIL LINE KAITHAL, KAITHAL
2	FIR No. 208/2012, dated 13/06/2012, U/s 148 IPC, 149 IPC, 448 IPC, 452 IPC, PS: PUNDRI, KAITHAL
3	FIR No. 501/2009, dated 09/08/2009, U/s 399 IPC, 401 IPC, 25-54-59 A.ACT, PS: CITY KAITHAL, KAITHAL
4	FIR No. 107/2006, dated 26/02/2006, U/s 392 IPC, 397 IPC, 34 IPC, 25-54-59 A.ACT, PS: CITY KAITHAL, KAITHAL
5	FIR No. 133/2022, dated 06/04/2022, U/s 120-B IPC, 148/149 IPC, 201 IPC, 25-54-59 A.ACT, 307 IPC, 323 IPC, 325 IPC, 379 B IPC, PS: CIVIL LINE KAITHAL, KAITHAL
6	FIR No. 173/2015, dated 06/06/2015, U/s 174-A IPC, PS: CIVIL LINE KAITHAL, KAITHAL Undergone by the Court of MS.TARANJIT KAUR(CJM-KAITHAL) on 10/05/2016
7	FIR No. 120/2022, dated 30/03/2022, U/s 120-B IPC, 323/325/34 IPC, 452 IPC, 506 IPC (CONVICTION IN U/s: 323 IPC read with 34 IPC, 325 IPC read with 34 IPC, 452 IPC read with 34 IPC, 506 IPC read with 34 IPC), PS: CIVIL LINE KAITHAL, KAITHAL.

Taking into consideration the overall conduct of the petitioner, it is evident that he has not demonstrated any inclination towards reformation or a constructive course in life. On the contrary, the material on record reflects

a continued and conscious engagement in criminal activities, including involvement in serious and heinous offences, even subsequent to his conviction in the present case. The object of sentencing is not merely punitive but also reformatory; however, where an accused persistently chooses to disregard the rule of law and shows no signs of rehabilitation, the element of deterrence assumes greater significance. Leniency, in such circumstances, would not only be misplaced but would also undermine the confidence of society in the administration of justice. In view of the aforesaid, this Court finds that no mitigating circumstance is made out so as to warrant reduction of the sentence to the period already undergone, and the prayer made in this regard does not merit acceptance.

The present petition is accordingly dismissed. The judgment of conviction dated 23.07.2015 and order of sentence dated 24.07.2015 passed by the Judicial Magistrate First Class, Kaithal, as well as the judgment dated 24.01.2017 passed by the Sessions Judge, Kaithal, are hereby affirmed.

April 20, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No