

2025:PHHC:062125



2025:PHHC:062152



2025:PHHC:062166



2025:PHHC:062157



102

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

\*\*\*\*

I.

**CRA-S-678-SB-2004 (O&M)**

**SHAM NARAIN**

.... APPELLANT

**VS.**

STATE OF HARYANA

.... RESPONDENT

\*\*\*\*

II.

**CRA-S-1111-SB-2004 (O&M)**

**CHANDER PARTAP MISHRA**

.... APPELLANT

**VS.**

STATE OF HARYANA

.... RESPONDENT

\*\*\*\*

III.

**CRA-S-1634-SB-2004 (O&M)**

**BALENDER**

.... APPELLANT

**VS.**

STATE OF HARYANA

.... RESPONDENT

\*\*\*\*

IV.

**CRA-S-1485-SB-2004 (O&M)**

**RAM LAL**

.... APPELLANT

**VS.**

STATE OF HARYANA

.... RESPONDENT

\*\*\*\*

**Date of Decision: - 12.05.2025**

\*\*\*\*

**CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA**

\*\*\*\*

Present: - Mr. Dheeraj Jain, Legal Aid Counsel,  
for the appellant (**CRA-S-678-SB-2004**).

*CRA-S-678-SB-2004*  
*CRA-S-1111-SB-2004*  
*CRA-S-1634-SB-2004*  
*CRA-S-1485-SB-2004*

*2025:PHHC: 062125*  
*2025:PHHC: 062152*  
*2025:PHHC: 062166*  
*2025:PHHC: 062157*

Mr.Prateek Gupta, Advocate,  
for the appellant (**CRA-S-1111-SB-2004**).

Mr.Pradeep Kumar, Advocate,  
for the appellant (**CRA-S-1634-SB-2004**).

Ms.Monika Tanwar, Advocate,  
for the appellant (**CRA-S-1485-SB-2004**).

Mr.R.K.S. Brar, Advocate, Addl. A.G., Haryana.

\*\*\*\*

**DEEPAK GUPTA, J. (ORAL)**

In a case arising out of FIR No.65 dated 22.02.2002 under Sections 148, 332, 333, 353, 186 read with Section 149 IPC registered at Police Station Udyog Vihar, four accused (*appellants herein*) faced trail. Each of the accused (*appellants herein*) were convicted under Sections 148, 332, 333, 353, 186 read with Section 149 IPC by Ld. Addl. Sessions Judge, Gurgaon vide judgment dated 17.03.2004 and sentenced vide order dated 19.03.2004 as under: -

<b>Offence under Section</b>	<b>Period of imprisonment</b>	<b>Fine (in ₹)</b>	<b>Default sentence</b>
Section 333 IPC	Four years RI	500/-	15 days RI
Section 332 IPC	Two Years RI	500/-	15 days RI
Section 148 IPC	One year RI	200/-	7 days RI
Section 353 IPC	One year RI	100/-	7 days RI
Section 186 IPC	Three months RI	200/-	7 days RI

2. Against the abovesaid conviction and sentence, accused (*appellants herein*) filed the aforesaid separate appeals.

3. Today learned counsel for the appellants stated at the outset that appellants do not press the appeal against the judgment of conviction; and that appellants confine their prayer only against order of sentence. It is submitted that appellants would be satisfied, in case they are sentenced to imprisonment for the period already undergone by them.

*CRA-S-678-SB-2004*  
*CRA-S-1111-SB-2004*  
*CRA-S-1634-SB-2004*  
*CRA-S-1485-SB-2004*

*2025:PHHC: 062125*  
*2025:PHHC: 062152*  
*2025:PHHC: 062166*  
*2025:PHHC: 062157*

4. Learned counsel points out that offence pertains to the year 2002; that appellants have already undergone actual sentence as under: -

<b>ACCUSED</b>	<b>ACTUAL SENTENCE UNDERGONE</b>
Sham Narain	1 year 28 days
Chander Partap Mishra	09 months 13 days
Balender	1 year 15 days
Ram Pal	09 months 16 days

Appellants are not involved in any other case and so, they deserve to be sentenced for the period already undergone by them.

5. Learned State counsel has not seriously objected to the aforesaid prayer.

6. The separate custody certificates placed on record by the respondent-State would reveal that appellants, Sham Narain, Chander Partap Mishra, Balender and Ram Pal have already undergone actual custody sentence of 01 year and 28 days, 09 months and 13 days, 1 year and 15 days; and 09 months and 16 days respectively. It is revealed further that they have no criminal antecedents. The offence had taken place way back in 2002 i.e. 23 years back.

7. In the aforesaid facts and circumstances, it will be in the interest of justice, if the period of imprisonment is reduced to the period already undergone by the appellants, instead of sending them behind bars in the company of hardened criminals.

8. Consequently, the aforesaid four appeals are partly accepted. By maintaining the impugned judgment against conviction, the common order of sentence as passed by the trial Court is modified and the appellants are sentenced to imprisonment for the period already undergone by them. As far as fine is concerned, it will remain same.

9. However, it is made clear that amount of fine, if not paid earlier, shall be deposited before learned Chief Judicial Magistrate concerned, within a period of four weeks from today, failing which the

*CRA-S-678-SB-2004*  
*CRA-S-1111-SB-2004*  
*CRA-S-1634-SB-2004*  
*CRA-S-1485-SB-2004*

*2025:PHHC: 062125*  
*2025:PHHC: 062152*  
*2025:PHHC: 062166*  
*2025:PHHC: 062157*

appellants will have to carry out the complete sentence as imposed by the trial Court.

Disposed of.

A photocopy of this order be placed on the files of connected cases.

**12.05.2025**

*Vivek*

**(DEEPAK GUPTA)**  
**JUDGE**

*Whether speaking/reasoned?*  
*Whether reportable?*

**Yes**  
**No**