



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

CRA-S-502-SB-2010  
Date of decision: 28.03.2025

Sharat Sharma and others ....Appellants

Versus

State of Haryana ...Respondent

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Ms. Mehak Sawhney, Advocate  
for the appellants.

Mr. Vikas Bhardwaj, AAG, Haryana.

**HARPREET SINGH BRAR, J. (ORAL)**

1. The prayer in the present appeal is to set aside the judgment of conviction dated 27.01.2010 and order of sentence dated 02.02.2010 passed by learned Additional Sessions Judge, Fast Track Court, Bhiwani, whereby, the appellants were convicted and sentenced for the offence punishable under Sections 406/498-A/120-B of IPC in the case stemming from FIR No.440 dated 30.04.2008 under Sections 312/313/498-A/406/506/120-B of IPC at Police Station City Bhiwani.

2. The appellants were sentenced as mentioned below:

<b>Offence</b>	<b>Sentence</b>
Section 406 of IPC	Rigorous imprisonment for a period of <b>three years</b> and to pay fine of Rs.3,000/- and in default of payment of fine, to further undergo simple imprisonment for one month.
Section 498-A of IPC	Rigorous imprisonment for a period of <b>three years</b> and to pay fine of Rs.3,000/- and in default of payment of fine, to further undergo simple imprisonment for one month.
Section 120-B of IPC	Rigorous imprisonment for a period of <b>three years</b> and to pay fine of Rs.3,000/- and in default of payment of fine, to further undergo simple imprisonment for one month.

It was ordered that all the sentences shall run concurrently.



3. Learned counsel for the appellants contends that she is not assailing the impugned judgment of conviction dated 27.01.2010 on merits and restricts her prayer to modification of the order on quantum of sentence dated 02.02.2010, to that of the sentence already undergone by the appellants, as appellants No.1 to 3 have already undergone a period of 18 days, 24 days and 11 days, respectively, in custody and they are not involved in any other criminal case.

5. *Per contra*, learned State counsel opposes the prayer of the appellants as the learned Court below has passed a well-reasoned judgment based on correct appreciation of evidence available on record as such, they do not deserve any leniency.

6. Having heard learned counsel for the parties and after perusing the record with their able assistance, it transpires that the appellants were convicted under Sections 406/498-A/120-B of IPC for which no minimum punishment has been prescribed. As per their custody certificate, they are not involved in any other case and have already undergone an actual sentence of 18 days, 24 days and 11 days, respectively out of total sentence of 03 years, in the instant case and this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to the appellants is reduced to the period already undergone by them.

7. In *Deo Narain Mandal vs. State of U.P. (2004) 7 SCC 257*, the Hon'ble Supreme Court has opined that awarding of sentence is not a mere formality in criminal cases. When a minimum and maximum term is prescribed by the statute with regard to the period of sentence, a discretionary element is vested in the Court. Background of each case, which includes factors like



gravity of the offence, manner in which the offence is committed, age of the accused, should be considered while determining the quantum of sentence and this discretion is not to be used arbitrarily or whimsically. After assessing all relevant factors, proper sentence should be awarded bearing in mind the principle of proportionality to ensure the sentence is neither excessively harsh nor does it come across as lenient.

8. Further, the Hon'ble Supreme Court in *Ravada Sasikala vs. State of AP AIR 2017 SC 1166*, has reiterated that the imposition of sentence also serves a social purpose as it acts as a deterrent by making the accused realise the damage caused not only to the victim but also to the society at large. The law in this regard is well settled that opportunities of reformation must be granted and such discretion is to be exercised by evaluating all attending circumstances of each case by noticing the nature of the crime, the manner in which the crime was committed and the conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.

9. A perusal of the judgment of conviction passed by the learned trial Court indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. However, the FIR (*supra*) was lodged on 30.07.2008 and the appellants have been suffering the agony of trial for last more than 16 years. Since their conviction, they have grown into a law-abiding citizen and desire to live a peaceful life.

10. Therefore, in view of the discussion above, the present appeal is disposed of in the following terms:-



**CRA-S-502-SB-2010**

**-4-**

(i) The judgment dated 27.01.2010 passed by the learned Additional Sessions Judge, Fast Track Court, Bhiwani, is upheld.

(ii) The order of sentence dated 02.02.2010 is modified to the extent that the sentence of rigorous imprisonment for 03 years and fine along with default mechanism awarded to the appellants is reduced to the period of sentence already undergone by them.

11. Pending miscellaneous application(s), if any, shall also stand disposed of.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**28.03.2025**

*Neha*

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