



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

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**CRA-S-268-2025 (O&M)  
Date of decision: 21.04.2025**

Sanju Devi

....Appellant

Versus

State of Haryana

....Respondent

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

**Present:** Mr. S.S. Aviraj, Advocate  
with Ms. Richa Sharma, Advocate  
and Ms. Madhu Jangra, Advocate  
for the appellant.

Mr. Sanjay Mittal, Advocate for complainant.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

**HARPREET SINGH BRAR J. (Oral)**

1. The prayer in the present appeal is to set-aside the judgment of conviction dated 11.12.2024 and order of sentence dated 17.12.2024 passed by learned Additional Sessions Judge, Charkhi Dadri whereby the appellant was convicted and sentenced for the offence punishable under Section 120-B of IPC, in the case stemming from FIR No.124 dated 07.05.2019 registered under Sections 216, 392, 397, 342, 412, 459, 120-B IPC and Section 25 of the Arms Act, 1959 at Police Station City Dadri, District Charkhi Dadri.

2. The brief facts of the case are that on the night of 6th/7th May, 2019 at about 02:00 AM, Harish Kumar, a resident of Charkhi Dadri and owner of a pipe factory, was sleeping in his yard when two armed men entered through the factory gate and pointed a pistol at him,



and forced him inside. They assaulted him, his wife Sanju Devi, and his son Arun Kumar and also tied their hands and took away their mobile phones and almirah keys. Claiming to be goons from U.P. Barot, they beat the family of the complainant with rods and looted ₹24–25 lakhs in cash, two gold chains, and three gold rings from the house. The intruders threatened to kill them if they informed the police and thereafter, threw away their mobile phones, and accidentally left behind a revolver before fleeing the spot. Thereafter, Harish managed to reach his brother Rajesh's house, and with the help of his nephew Vipin, he went to the government hospital and informed the police. Based on his complaint, the FIR (supra) was registered under Sections 392, 397, 459 of the IPC and Section 25 of the Arms Act and on the basis of disclosure statement, the appellant was apprehended in the case.

3. The appellant was convicted and sentenced as follows:

Offence	Sentence
Section 120-B of IPC	Simple imprisonment for a period of 03 years and to pay fine of Rs.2,000/- and in default of payment of fine, to further undergo simple imprisonment for 01 month.

4. Learned counsel for the appellant contends that the sentence of the co-accused of the appellant namely Vijay Kumar and Pawan has already been suspended by this Court vide order dated 13.01.2025 and dated 16.01.2025, respectively. He further contends that he is not assailing the impugned judgment of conviction dated 11.12.2024 on merits and restricts his prayer qua modification of the



order on quantum of sentence, to that of the sentence already undergone by the appellant, as she has already undergone a period of 05 months and 28 days and is not involved in any other criminal activity.

5. *Per contra*, learned State counsel opposes the prayer of the appellant on the ground that the learned Court below has passed a well-reasoned judgment based on correct appreciation of evidence available on record as such, the appellant does 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 appellant was convicted under Section 120-B of IPC for criminal conspiracy to commit an offence of robbery, for which no minimum punishment is prescribed. As per custody certificate, the appellant is not involved in any other case and has already undergone an actual sentence of 05 months and 28 days out of total sentence of 03 years, in the instant case. Since there is no minimum punishment prescribed under Section 120 of IPC, this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to the appellant is reduced to the period already undergone by her.

7. In *Deo Narain Mandal Vs. State of UP, (2004) 7 SCC 257*, a three-Judge Bench of 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, the 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, a two-Judge Bench of 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 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 Court below indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. Learned counsel for the appellant has not assailed the judgment of conviction on merits, rather restricted the prayer only qua modification of quantum of sentence to that of the sentence already undergone by the appellant.



10. The FIR in the present case was registered on 07.05.2019 and the appellant has been suffering the agony of trial since the last more than 05 years. Since her conviction, the appellant has grown into a law-abiding citizen and desires to live a peaceful life.

11. Consequently, the present appeal is disposed of in the following terms:-

***(i) The judgment of conviction dated 11.12.2024 passed by the learned Additional Sessions Judge, Charkhi Dadri is upheld.***

***(ii) The order of sentence dated 17.12.2024 is modified to the extent that the sentence of rigorous imprisonment for a period of 03 years and fine along with default mechanism awarded to the appellant is reduced to the period of sentence already undergone by her.***

12. All the pending miscellaneous application(s), if any, shall also stand disposed of.

13. The appellant be released from the custody forthwith, if not required in any other case.

**(HARPREET SINGH BRAR)  
JUDGE**

**21.04.2025**

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No