

**101 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRA-S-959-SB-2004****Date of Decision: May 14, 2025****Pardeep Kumar and others****... Appellant****Versus**

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**Present:-** Mr. Ashok Kumar Khunger, Advocate for the appellant.

Mr. Animesh Sharma, Addl. A.G., Punjab.

DEEPAK GUPTA, J.(Oral)

The five accused (appellants herein) faced trial on the allegations that on the night intervening 18/19.07.2001, all of them armed with various weapons, were found making preparations to commit dacoity, while sitting in the cremation ground of Abohar City and thus they had committed offence under Section 399 IPC. FIR No.149 dated 19.07.2001, under Sections 399, 402, 382 and 511 IPC and Section 25 of the Arms Act, 1959 was registered at Police Station City Abohar, against them. Petitioner - Tarsem Singh was allegedly found to be in possession of a spring actuated knife and separate FIR No.150 dated 19.07.2001 under Section 25 of the Arms Act was registered against him. Similarly, the other four accused were also found in possession of the different kind of weapons. As such, FIR Nos.151 to 154 all dated 19.07.2001, all under Section 25 of the Arms Act were registered against them at the same police station. After necessary investigation, challans were filed and a joint trial was held in respect of case arising out of FIR Nos.149 to 154 dated 19.07.2001. The trial Court held all the accused guilty under Section 399 IPC and also separately held them guilty under Section 25 of the Arms Act. All the accused were sentenced to undergo rigorous imprisonment for a period of 05 years and to pay a fine of ₹1,000/- each with default sentence of rigorous imprisonment for six months each for non-payment of fine. For the offence committed under Section 25 of the Arms Act, they were sentenced to undergo rigorous imprisonment for a period of 01 year and to pay fine of ₹1,000/- with default sentence of rigorous imprisonment for six months each for non-payment of fine. Both the substantive sentences were directed to run concurrently.

2. Against the abovesaid conviction and sentence, this appeal was filed.

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 the 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.

4. Learned counsel points out that offence pertains to the year 2001; that appellants were young persons at that time; that they 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 custody certificates placed on record by the respondent-State would reveal that the appellants have undergone the following total sentence:-

Sr. No.	Name of the convict	Total period of sentence undergone by the convict
1.	Pardeep Kumar @ Pitto	03 months 02 days
2.	Bikram Singh @ Bikkar	01 year 10 months 04 days
3.	Sonu	05 years
4.	Sukhdev Singh @ Sukha	02 years 08 months 05 days
5.	Tarsem Singh	05 years

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 present appeal is partly accepted. By maintaining the impugned judgment against conviction, the 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.

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

Disposed of.

May 14, 2025
sarita

(DEEPAK GUPTA)
JUDGE

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