



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

**CRA-S-542-2025 (O & M)  
Date of decision: 26.03.2025**

**AJAY**

**...APPELLANT**

**V/S**

**STATE OF HARYANA**

**...RESPONDENT**

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

Present: Mr. Mayur Karkra, Advocate for the appellant.

Mr. Vikas Bhardwaj, AAG, Haryana.

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

1. This appeal has been preferred against the judgment of conviction dated 28.01.2025 and order of sentence dated 29.01.2025 passed by learned Additional Sessions Judge, Kaithal in case stemming from FIR No.302 dated 22.06.2019 registered under Sections 379-A, 411 of IPC at Police Station Pundri, District Kaithal and the appellant was sentenced to undergo rigorous imprisonment for two years with a fine of Rs.5,000/- along with default mechanism under Section 411 IPC.

2. The appellant was convicted and sentenced vide judgment of conviction and order of sentence dated 28/29.01.2025 passed by learned trial Court.

3. Learned counsel for the appellant contends that he is not assailing the impugned judgment of conviction dated 28.01.2025 on merits and restricts his prayer to modification of the order on quantum of sentence to that of the sentence already undergone by the appellant. As per his custody certificate, the appellant has undergone a period of 02 months and 22 days, out of total



sentence of two years, awarded by learned trial Court and he is not involved in any other case.

4. *Per contra*, learned State counsel opposes the prayer of the petitioner as learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record and as such, he does not deserve any leniency.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. In ***Deo Narain Mandal v. 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, 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.

7. Further, a two Judge Bench of the Hon'ble Supreme Court in ***Ravada Sasikala v. 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.

8. 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. Moreover, learned counsel for the appellant has not assailed the judgment of conviction on merits, rather he has restricted his prayer only qua modification of quantum of sentence.

9. The FIR in the present case was lodged on 22.06.2019 and the appellant has been suffering the agony of trial for the last more than 5 years. Since his conviction, the appellant has grown into law-abiding citizen and desires to live a peaceful life. As per his custody certificate, the appellant has undergone a period of 02 months and 22 days, out of total sentence of two years, awarded by learned trial Court and he is not involved in any other case.

10. Accordingly, 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 him.

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

(i) The judgment dated 28.01.2025 passed by the learned Additional Sessions Judge, Kaithal is upheld.

(ii) The order of sentence of dated 29.01.2025 is modified to the



extent that the sentence of rigorous imprisonment for two years and fine of Rs.5,000/- along with default mechanism awarded to the appellant is reduced to the period of sentence already undergone by him.

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

13. The jail authorities are directed to release the appellant immediately, if he is not required in any other case.

**March 26, 2025**  
*manisha*

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

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|------|---------------------------|--------|
| (i)  | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable        | Yes/No |