



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

354

CRA-S-1085-SB-2006 (O&M)
Date of Decision.:16.05.2025

Nirmal Singh and another

.....Appellants

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- None for the appellants.

Mr. R.K.S. Brar, Addl. AG, Haryana.

DEEPAK GUPTA, J. (ORAL)

Appellants Nirmal Singh and Shiv Kumar were tried by Ld. Sessions Judge, Panchkula in a case arising out of FIR No.14 dated 11.01.2004 under Section 411 of the IPC registered at Police Station GRP Ambala Cantt. After trial, the appellants were convicted under Section 411 of the IPC vide judgment dated 25.05.2006 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of 03 years each and to pay fine of ₹300/- each with default sentence of imprisonment of 02 months each in case of non-payment of fine.

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

3. Today nobody is appearing on behalf of the appellants. This Court has gone through the impugned judgment of the trial Court and finds that conviction has been recorded after proper appreciation of the evidence on record. This Court does not find any reason so as to interfere in the impugned judgment of conviction and as such, the same is hereby maintained.

4. However as far as the impugned order of sentence is



concerned it is noticed that appellants were sentenced to undergo rigorous imprisonment for a period of 03 years each and to pay fine of ₹300/- each with default sentence of imprisonment of 02 months each in case of non-payment of fine.

5. The custody certificate placed on record by the respondent-State would reveal that appellant Nirmal has already undergone total custody sentence of 02 years 06 months and 01 day; whereas appellant Shiv Kumar has already undergone total custody sentence of 02 years 06 months and 06 days.

6. 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.

7. 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.

8. 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.

**(DEEPAK GUPTA)
JUDGE**

May 16, 2025

Neetika Tuteja

Whether Speaking/reasoned Yes/No
Whether Reportable Yes/No