



CRA-S-524-2023

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

**CRA-S-524-2023**

Decided on: 21.02.2025

Pardeep Kumar

..... Appellant

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Krishan Singh, Advocate, for the appellant.  
Mr. Kirpal Singh Thakur, AAG, Punjab.

**Rajesh Bhardwaj, J.**

1. Present appeal has been preferred by the appellant against the order passed by learned Additional Sessions Judge, Kurukshetra, whereby, appellant was convicted for the offence under Sections 392, 201 read with Section 34 IPC vide order dated 19.01.2023 and sentenced him to undergo rigorous imprisonment for four years vide order dated 20.01.2023.
2. Brief facts of the case of the prosecution are that on 05.08.2021 at 2:00 p.m., the complainant was on his way on motorcycle, then three unknown motorcyclists stopped him on the pretext of asking way to Shahbad and snatched his mobile, key of motorcycle and goggles and Rs.2,000/- and fled away from there. On the basis of the complaint filed by the complainant, the FIR was registered against unknown persons. The Police could not trace out the accused and thus, filed untraced report on 01.10.2021. However, on 07.01.2022, the appellant was arrested in some other case. The complainant got recorded his supplementary statement on 22.02.2022 and it was found that the appellant might be the accused in the case. On 07.04.2022, the appellant was arrested in the present case on



production warrants. Thereafter, recovery of Rs.500/- and mobile phone was effected from the house of the accused. On the conclusion of the investigation, challan was presented, charges were framed and the trial commenced. On the conclusion of the trial, learned trial Court found the charges to have been proved by the prosecution beyond reasonable doubts against the appellant and thus, convicted and sentenced him as stated above vide order dated 19/20.01.2023.

3. Learned counsel for the appellant has submitted before this Court that the appellant is facing rigors of criminal proceedings since 05.08.2021. He submits that the petitioner was awarded sentence of four years rigorous imprisonment and as per custody certificate, he has already undergone sentence of 03 years 07 months as on 20.02.2025. He submits that the appellant does not press his conviction on merits but prays for taking a lenient view and the appeal be disposed of by reducing the sentence to already undergone by the appellant, keeping in view the mitigating circumstances.

4. Learned State counsel has opposed the submissions made by learned counsel for the appellant and has produced the custody certificate of the appellant, which would show that the appellant has completed an actual sentence of 02 years 10 months and 14 days and total sentence of 03 years 07 months including remissions as on 20.02.2025.

5. The Court has heard learned counsel for the parties and with their able assistance perused the record. Appellant has assailed the impugned order dated 19/20.01.2023, wherein, he was convicted and sentenced, however, the conviction of the appellant is not challenged on



merits by counsel for the appellant. Thus, he has faced the litigation since the year 2021. Though he was prosecuted in other cases as well, as reflected from the custody certificate, however, it is apparent that out of awarded sentence of 04 years, he has already completed an actual sentence of 02 years 10 months and 14 days and total sentence of 03 years 07 months including remissions as on 20.02.2025. Needless to say that the appellant is facing rigors of criminal proceedings since the year 2021. In the overall facts and circumstances, there are mitigating circumstances for considering the prayer made by counsel for the appellant as more than half of the sentence has already been undergone. Keeping in view all the above facts, the present appeal is disposed of by reducing the sentence of the appellant to that already undergone by him, however, the conviction awarded to the appellant shall remain intact.

**21.02.2025**  
sharmila

Whether Speaking/Reasoned  
Whether Reportable

**(RAJESH BHARDWAJ)**  
**JUDGE**

: Yes/No  
: Yes/No