



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

**CRA-S-1931-SB-2004**

**Date of Decision: April 30, 2025**

**Gurdarshan Singh alias Darshan Singh ... Appellant**

**Versus**

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

**Present:-** Mr. Shashank Bhandari, Legal Aid Counsel for the appellant.

Mr. R.K.S. Brar, Addl. A.G., Haryana.

**DEEPAK GUPTA, J.(Oral)**

Appellant – Gurdarshan Singh alias Darshan Singh along with co-accused Ravinder Kumar @ Bobby was tried by learned Addl. District Judge, Fast Track Court, Amabala in a case arising out of FIR No.116 dated 06.05.2002, under Sections 307/34, 120-B, 212 IPC, besides Section 25 (Act No.54 of 1959) of the Arms Act. After trial, Ravinder Kumar @ Bobby was acquitted all of the charges; whereas appellant – Gurdarshan Singh @ Darshan Singh was convicted and sentenced vide judgment and order dated 01.06.2004/02.06.2004, which is as under :-

Sr. No.	Offence	Sentence (R.I)	Fine	Further sentence in case of non-payment of fine
1.	307/34 IPC	04 years	₹500/-	R.I. for 15 days
2.	450/34 IPC	03 years	₹200/-	R.I. for 07 days

Both the sentences were directed to run concurrently.

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

3. Today learned counsel for the appellant stated at the outset that appellant does not press the appeal against the judgment of conviction; and that appellant confines his prayer only against order of sentence. It is submitted that appellant would be satisfied, in case he is sentenced to imprisonment for the period already undergone by him.

4. Learned counsel points out that offence pertains to the year 2002; that appellant was young person of 22 years at that time; that appellant has already undergone actual sentence of 01 year, 02 months and 29 days and is not involved in any other case and so, he deserves to be sentenced for the period already undergone by him.

5. Learned State counsel has not seriously objected to the aforesaid prayer.

6. As per custody certificate placed on file, appellant has already undergone actual custody sentence of 01 year, 02 months and 29 days. The appellant is involved in 07 other cases. Out of which in four cases, he has already been acquitted; two cases are under Section 174-A IPC and in the other case, he is already on bail. He was young boy of 22 years of age at the time of offence, which had taken place way back in 2002 i.e. 23 years back.

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 appellant, instead of sending him 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 appellant is sentenced to imprisonment for the period already undergone by him.

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

Disposed of.

**April 30, 2025**

sarita

**(DEEPAK GUPTA)  
JUDGE**

Whether reasoned/speaking:  
Whether reportable:

Yes/No  
Yes/No