



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

207

CRR-1234-2007

Date of decision: 09.09.2025

Kanwar Singh and others

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Kapil Aggarwal, Advocate
for petitioner No.3.

Petition qua petitioners No.1 and 2 stands dismissed
vide order dated 14.08.2007.

Mr. Gagandeep Singh Chhina, Sr. DAG, Haryana.

MANJARI NEHRU KAUL, J.

1. The instant revision petition has been preferred against the judgement of conviction/order of sentence dated 13.08.2004/14.08.2004 passed by learned Judicial Magistrate 1st Class, Mohindergarh, in FIR No.206 dated 28.11.1995 under Sections 323/324/326/34 of the IPC registered at Police Station Kanina, convicting and sentencing the petitioners, which judgement was upheld by the learned Additional Sessions Judge, Narnaul, on 17.07.2007.

2. The petitioners were sentenced by learned Judicial Magistrate 1st Class, Mansa, to undergo imprisonment as under : -

Offence(s) under Section	Period of sentence	Fine imposed	Period of sentence in default of payment of fine
323 IPC	RI for 03 months	Rs.500/- each	SI for 15 days
324 IPC	RI for 06 months	Rs.2,000/- each	SI for 01 month
326 IPC	RI for 02 years	Rs.3,000/- each	SI for 1 ½ months

2A. All the sentences were ordered to be run concurrently.

3. Learned counsel for petitioner No.3 has, at the very outset, fairly conceded that in view of the concurrent findings of fact recorded by the learned Trial Court and learned Appellate Court, he does not intend to assail the conviction of petitioner No.3 on merits. His submission is confined solely to the quantum of sentence. It is urged that the incident pertains to the year 1995, and petitioner No.3-Rattan has already undergone incarceration for a period of 03 months and 13 days. It is further submitted that petitioner No.3 has endured the ordeal of protracted criminal proceedings, is peace-loving and law-abiding citizen, and has no other criminal antecedents. On these premises, learned counsel pleads for a lenient view, contending that no useful purpose would be served by subjecting the petitioner to further incarceration.

4. *Per contra*, learned State counsel has opposed the prayer for reduction of sentence while drawing attention to the concurrent findings recorded against petitioner No.3, it has been submitted that the conviction calls for no interference. However, the learned State counsel is unable to dispute that subsequent to the incident of the year 1995, petitioner No.3 has maintained good conduct and has not been involved in any other criminal activity.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. In the considered view of this Court, having regard to the facts enumerated hereinabove, particularly the circumstance that the incident is of the year 1995, and taking note of the fact—undisputed by

the learned State counsel, that petitioner No.3 has not indulged in any other criminal act thereafter and has otherwise been leading a disciplined and law-abiding life, it would not be appropriate to send him back to prison at this stage of life, especially when he has already borne the brunt of prolonged trial proceedings.

7. In the totality of circumstances, ends of justice would be adequately met if, while upholding the conviction of petitioner No.3, his substantive sentence of rigorous imprisonment for a period of 02 years is reduced to the period already undergone by him i.e. 03 months and 13 days.

8. Ordered accordingly.

9. However, the fine imposed upon petitioner No.3 is enhanced from Rs.5,500/- in toto to Rs.10,000/-. The enhanced amount of fine is to be deposited with the "Haryana State Legal Services Authority" within one month from the date of this order. It is made clear that in the event of non-deposit of the enhanced fine within a period of one month from today, the benefit of reduction of sentence shall not accrue to petitioner No.3, and he shall be required to undergo the remaining part of the sentence awarded to him.

10. With the aforesaid modification in the quantum of sentence and enhancement of fine, the instant revision petition stands disposed of.

09.09.2025

(MANJARI NEHRU KAUL)

Vinay

JUDGE

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