

2025:PHHC:041832



2025:PHHC:041834



CRA-S-586-SB-2004 (O&M) and  
CRA-S-625-SB-2004 (O&M)

**S. No.101**

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

**\*\*\*\***

**Date of Decision:26.03.2025**

**1. CRA-S-586-SB of 2004 (O&M)**

**Nasib Singh and others**

**.....Appellants**

**Vs.**

**State of Haryana**

**.....Respondent**

**2. CRA-S-625-SB of 2004 (O&M)**

**Rajinder**

**.....Appellant**

**Vs.**

**State of Haryana**

**.....Respondent**

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

Present:- Mr. Gurveer Singh, Amicus Curiae,  
for the appellants.

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

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

Four accused, namely, Nasib Singh, Surjeet Singh, Rajinder and Chander Hans were tried by the Court of learned Additional Sessions Judge, Kaithal in a case arising out of FIR No.53 dated 20.03.2001 registered at Police Station Siwan under Sections 366-A, 511 and 354/34 IPC. After trial, all the four accused were acquitted of the charges under Sections 366A/511 IPC, vide judgment dated 26.02.2004. However, all four of them were found to be guilty under Section 354/34 IPC and convicted thereunder. Vide a separate order of the even date, all of them were sentenced to undergo Rigorous Imprisonment for a period of one year and also to pay fine of ₹1,000/- each with default sentence of three months' imprisonment.

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2. Against the afore-said conviction and sentence, three of the convicts, namely, Nasib Singh, Surjeet Singh and Chander Hans have approached this Court by filing CRA-S-586-SB of 2004; whereas convict – Rajinder has filed separate appeal bearing CRA-S-625-SB of 2004.

3. The allegations against the appellants were that on 20.03.2001, all of them had tried to forcibly make daughter of the complainant sit in a car, who raised alarm. During the process, when the driver of the car took back turn, the car fell down in the pits and the accused left the car. It was also alleged that the four accused- appellants wanted to kidnap the daughter of the complainant with bad intention.

4. Today, it is submitted by learned Amicus Curiae for the appellants that offence in question was committed way back in 2001 i.e. 24 years ago. All the four accused- appellants were in the age group of 18 to 23 years. None of them are involved in any other case of the similar nature; that they have already undergone actual custody period of more than one month each. Learned Amicus Curiae further pray this Court to reduce the sentence of the appellants for the period already undergone by them.

5. Learned State Counsel has not seriously opposed the afore-said prayer.

6. This Court has perused the impugned judgment passed by the learned trial Court and finds that conviction of the appellants has been recorded mainly on the basis of testimony of PW1- daughter of complainant, who during testimony had stated that accused had even touched her breast and that by raising of the alarm by her, her father who was working in the nearby fields along with one Gurbax, had rushed towards her and then sensing their presence, the accused had fled away by leaving the car.

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7. The conviction is found to be recorded on the proper appreciation of evidence, particularly the testimony of the victim girl and as such, there is no reason to interfere in the said finding of conviction. Consequently, the appeal against conviction is hereby dismissed.

8. However, as far as impugned order of sentence is concerned, the custody certificates indicate that all the appellants have already undergone actual custody period of more than one month. They are not involved in any other case of the similar nature. Occurrence had taken place 24 years back, when the appellants were young boys. Their sentence was suspended way back in 2004. No purpose shall now be served by sending the appellants behind the bars after such a long time. Consequently, the prayer of learned Amicus Curiae to modify the sentence is hereby accepted. The impugned order of sentence is hereby modified by reducing the period of sentence to the period already undergone by them.

8. Both the appeals stand disposed of accordingly. A photocopy of this order be placed on the file of connected case.

**March 26, 2025**  
**renu**

**( DEEPAK GUPTA )**  
**JUDGE**

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