



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

**CRA-S-1115-2025 (O&M)  
DECIDED ON 20.05.2025**

**PARDEEP @ PAPPU**

**...APPELLANT**

**VERSUS**

**STATE OF HARYANA**

**...RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.**

Present: Mr. Ravinder Phogat, Advocate  
for the appellant.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

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**SANDEEP MOUDGIL, J. (ORAL)**

**CRM-18973-2025**

Prayer in the present application is for suspension of sentence of the applicant-appellant during the pendency of present appeal.

Learned counsel for the applicant/appellant prays for withdrawal of the present application. However, he prays for hearing the main appeal, as he does not want to challenge the conviction of the petitioner on merits.

Prayer is accepted.

Dismissed as withdrawn.

**CRA-S-1115-2025**

1. With the consent of the parties, the main case is taken on board for final hearing.
2. The instant appeal has been preferred against the judgment of conviction and order of sentence dated 06.03.2025 passed by learned Sessions



Judge, Charkhi Dadri in FIR No. 23, dated 10.03.2017, under Sections 279, 337, 338 and 304-A IPC. The appellant has been sentenced as under :

Offence under Section(s)	Sentence
279 IPC	RI for <b>six months</b> with a fine of Rs.1,000/-, in default of payment of fine, to further undergo SI for one month.
337 IPC	RI for <b>six months</b> with a fine of Rs.500/-, in default of payment of fine, to further undergo SI for 15 days.
338 IPC	RI for <b>two years</b> with a fine of Rs.1,000/-, in default of payment of fine, to further undergo SI for one month.
304-A IPC	RI for <b>two years</b> with a fine of Rs.5,000/-, in default of payment of fine, to further undergo SI for five months.

3. Learned counsel for the appellant contends that he is not assailing the impugned judgment of conviction dated 06.03.2025 on merits and restricts his prayer to modification of the order on quantum of sentence to that of the sentence already undergone by the appellant. As per his custody certificate, filed by learned State counsel, today in Court, the appellant has undergone the actual sentence of 6 months and 14 days, out of total substantive sentence of two years, awarded by learned trial Court and is not involved in any other case of any nature whatsoever.

4. *Per contra*, learned State counsel opposes the prayer of the appellant as learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record and as such, he does not deserve any leniency.

5. I have heard learned counsel for the parties and perused the record with their able assistance.



6. In *Deo Narain Mandal v. State of UP (2004) 7 SCC 257*, a Three Judge Bench of the Hon'ble Supreme Court has opined that awarding of sentence is not a mere formality in criminal cases. When a minimum and maximum term is prescribed by the statute with regard to the period of sentence, a discretionary element is vested in the Court. Background of each case, which includes factors like gravity of the offence, manner in which the offence is committed, age of the accused, should be considered while determining the quantum of sentence and this discretion is not to be used arbitrarily or whimsically. After assessing all relevant factors, proper sentence should be awarded bearing in mind the principle of proportionality to ensure the sentence is neither excessively harsh nor does it come across as lenient.

7. Further, a two Judge Bench of the Hon'ble Supreme Court in *Ravada Sasikala v. State of AP AIR 2017 SC 1166*, has reiterated that the imposition of sentence also serves a social purpose as it acts as a deterrent by making the accused realise the damage caused not only to the victim but also to the society at large. The law in this regard is well settled that opportunities of reformation must be granted and such discretion is to be exercised by evaluating all attending circumstances of each case by noticing the nature of the crime, the manner in which the crime was committed and the conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.

8. A perusal of the judgment of conviction passed by the learned trial Court indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. It transpires that the petitioner was convicted under Sections 279, 337, 338 & 304-A of IPC, for which no minimum punishment has been prescribed. Moreover, learned



counsel for the appellant has not assailed the judgment of conviction on merits, rather he has restricted his prayer only qua modification of quantum of sentence.

9. The FIR in the present case was lodged on 10.03.2017 and the appellant has been suffering the agony of trial for the last 8 years. Since his conviction, the petitioner has grown into law-abiding citizen and desires to live a peaceful life. As per his custody certificate, the petitioner has undergone the actual incarceration of 06 months and 14 days, out of total sentence of two years, awarded by learned trial Court and he is not involved in any other case, meaning thereby, he is a person of clean antecedents.

11. Since there is no minimum punishment prescribed under Sections 279, 337, 338 & 304-A of IPC, this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to the appellant is reduced to the period already undergone by him.

12. Consequently, the present appeal is disposed of and the judgment of conviction dated 06.03.2025 is upheld, however, the order of sentence dated 06.03.2025 is modified to the extent that the sentence of rigorous imprisonment for two years and a fine of Rs.1,000/- along with default mechanism awarded to the appellant is reduced to the period of sentence already undergone by him.

13. It is ordered that the appellant be released from jail forthwith in case he is not required in any other case.

**MAY, 20, 2025**  
*sham*

**(SANDEEP MOUDGIL)**  
**JUDGE**

(i) *Whether speaking/reasoned*  
(ii) *Whether reportable*

*Yes/No*  
*Yes/No*