



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

102

CRA-S-968-SB-2004 (O&M)

Date of Decision:18.03.2025

Prem Singh (died) and another

.....Appellants

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr.Rajiv Sharma, Advocate for the appellants.

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

DEEPAK GUPTA, J. (ORAL)

Appellants Prem Singh (died) and Bittu were tried by Ld. Additional Sessions Judge (adhoc), Faridabad in a case arising out of FIR No.732 dated 26.10.2000 under Sections 392/397/324/307 IPC registered at Police Station Central Faridabad. After trial, the appellants were convicted under Section 326 IPC vide judgment dated 28.04.2024 by the trial Court and were sentenced to undergo rigorous imprisonment for a period of five years and to pay fine of ₹1,000/- each and with default sentence of 02 months imprisonment in case of non-payment of fine. They were also sentenced to undergo rigorous imprisonment for a period of two years each under Section 411 IPC.

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

3. Today learned counsel for the appellants stated at the outset that appellant No.1 has since expired on 11.01.2017 and that he does not press the appeal against the judgment of conviction qua appellant No.2; and that appellant No.2 confines his prayer only against order of sentence. It is submitted that appellant No.2 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 2000; that appellant No.2 was young person of 24 years at that time; that appellant No.2 has already undergone actual sentence of 1 year 06 months and 18 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. The custody certificate placed on record by the respondent-State would reveal that appellant No.2 has already undergone actual custody sentence of 1 year 06 months and 18 days. It is revealed further that he has no criminal antecedents. Nothing has been brought on record to suggest that after this conviction, appellant No.2 has been involved in any other case. He was young boy of 24 years of age at the time of offence, which had taken place way back in 2000 i.e. 25 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 appellant No.2, instead of sending him behind bars in the company of hardened criminals.

8. Consequently, since appellant No.1-Prem Singh has expired on 11.01.2017, therefore, present appeal qua him is abated; and the present appeal qua appellant No.2 is partly accepted. By maintaining the impugned judgment against conviction, the order of sentence as passed by the trial Court is modified to the extent that the appellant No.2 is sentenced to imprisonment for the period already undergone by him. As far as the fine is concerned it will remain the same.

Disposed of.

**(DEEPAK GUPTA)
JUDGE**

March 18, 2025

Pry

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No