

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

229

CRR-3268-2011 (O&M)
Date of decision: 31.10.2025

Kuldeep Singh and Others

....Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Veneet Sharma, Advocate for the petitioners

Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY, J. (ORAL)

1. The present revision petition has been preferred against the judgment dated 11.11.2011, passed by the Ld. Addl. Sessions Judge, Amritsar, affirming the judgment/order of conviction by trial Court on 15.03.2007, whereby the petitioners were convicted and sentenced as under:

Offence u/s	Imprisonment	Fine	Default sentence
326/34 IPC	RI for two years	Rs.1000/-	RI one month
324/34 IPC	RI for one year	—	—
323/34 IPC	RI for three months	—	—
325/34 IPC	RI for one and half year	Rs.500/-	RI 15 days
323/34	RI for three months	—	—

2. Shorn of unnecessary details, the facts are that on 16.02.2001, accused-petitioners came at the door of the complainant's house and challenged him to pass through the street with regard to a dispute, which was going between him and one of the petitioners i.e. Kuldeep Singh. Thereafter, they armed with dang, gandasi etc. gave beatings to him and he was saved by his father and



admitted in Civil Hospital, Lopoke. On the basis of his statement, an FIR was registered on 14.06.2001 under Sections 326, 325, 323, 324, 34 IPC.

3. After completion of investigation, final report under Section 173 Cr.P.C. was presented in the Court against the accused-petitioners. On finding a prima facie case, charges under Sections 326, 323, 325, 324, 34 IPC were framed against them, to which they pleaded not guilty and claimed trial.

4. The prosecution, in support of its version, examined 7 witnesses. Thereafter, the statements of the accused under Section 313 Cr.P.C. were recorded. The incriminating evidence was put to them, which they denied, pleading innocence and alleging false implication.

5. The learned trial Court after hearing the learned counsel for the parties, convicted and sentenced the accused-petitioners as noticed above, which further affirmed by the learned Appellate Court in an appeal preferred by them.

6. Aggrieved petitioners are before this Court.

7. Learned counsel for the petitioners has produced death certificate of petitioner No.1-Kuldeep Singh, which is taken on record and submits that the present petition stands abated qua petitioner No.1. He, at the very outset, gives up challenge to the conviction and prays for reducing the sentence awarded to petitioner Nos.2 and 3 to the period already undergone, it being 1 month and 15 days, on the ground that they are first offenders; belong to the poor strata of the society; sole breadwinner of their family; not involved in any other case; never misused the concession of bail and have been facing the agony of protracted trial for the last 24 years.

8. Learned State counsel opposes on the ground that the trial Court after appreciating the evidence led by the prosecution, has rightly convicted and



sentenced the petitioners, therefore, prays for the dismissal of the present petition. He, however, affirms the non-involvement of the petitioners in any other criminal case and the period undergone by them as per the custody certificate.

9. Heard the learned counsel on either side and perused the record.

10. Evidently, PW1-Beer Singh (complainant), in his deposition, had specifically named the petitioners, who gave beatings to him, which was duly corroborated by an eye-witness PW2-Makhan Singh (father of complainant). Furthermore, as per versions of PW4-Dr. MS Sandhu and PW3-Dr. AS Virk, the injuries suffered by the complainant were caused by sharp edged weapons. On going through the evidence on record, the prosecution has proved the case against them. Thus, there is no scope for interference in the findings recorded and conclusion arrived at by the Courts below. As such, their conviction is upheld.

11. Regarding the prayer of the learned counsel for the petitioners that in view of the afore-stated mitigating circumstances, the sentence of the petitioners may be reduced to the period already undergone, it is apposite to make a reference to the judgment of **Omanakkuttan and others v. State of Kerala**, SLP (Crl.) No.4500 of 2019, decided on 20.11.2020, wherein the accused were convicted under Sections 324, 326, 308 read with Section 34 IPC and Hon'ble the Supreme Court reduced the sentence of five years to 2 years, by considering that the occurrence took place in 2002. Similarly in **Arjun and Others vs. State of Haryana**, CRA-S-1134-SB-2008, decided on 07.06.2023, the sentence awarded to the accused-appellants, who were convicted under Sections 323/34, 325/34 and 506 IPC for RI of 2 years, was reduced to the extent of already undergone, while observing that the appellants had already suffered sentence of 1 month, 13 days and 15 days respectively and faced the agony of trial for almost 17 years.



12. In **Satish vs. State of U.P.**, (2021) 14 SCC 580, Hon'ble the Supreme Court had observed that, "Whilst it is undoubtedly true that society has a right to lead a peaceful and fearless life, without free roaming criminals creating havoc in the lives of ordinary peace loving citizens. But equally strong is the foundation of reformatory theory which propounds that a civilized society cannot be achieved only through punitive attitudes and vindictiveness; and that instead public harmony, brotherhood and mutual acceptability ought to be fostered. Thus, first time offenders ought to be liberally accorded a chance to repent their past and look forward to a bright future. [**Maru Ram v. Union of India**, (1981) 1 SCC 107 : 1981 SCC (Cri) 112]".

13. Hon'ble the Supreme Court in **Keshab Naskar vs. State**, 2012 SCC OnLine Cal 9400, keeping in view that 25 long years had since elapsed from the date of the incident, never misused the privilege of post-conviction bail, the sentence of imprisonment under Section 326 IPC of 6 years was reduced to the period already undergone i.e. 14 days pre-trial and about a month and 10 days post-trial. In **Lehamber Singh vs. State of Punjab**, 2016 SCC OnLine P&H 8926, this Court had, in a case of conviction under Section 326 IPC, in consideration of the circumstances that the accused had faced the agony of protracted trial for the last more than 10 years; was a first offender; sole bread earner in the family; no antecedents of similar nature, taken a lenient view furthering the cause of justice and reduced the sentence from one year and a half to the period of one month and thirteen days, already undergone.

14. It is a settled proposition of law that each case is to be decided on its own peculiar facts and circumstances.

15. The object of the criminal justice system is to reform the offenders



and to make them see and follow the right path. However, the ancient penological approach was of custodial measure to curb crime. A balanced approach keeping in view the interests of the victim and accused and their families, release on admonition, probation, etc. is the way forward.

16. Reverting to the facts of the present case as regards the prayer made on behalf of petitioner Nos.2 and 3 is concerned, this Court considering the judgments referred to above and the mitigating circumstances, particularly that the petitioner Nos.2 and 3 belong to poor strata of the society; have to take care of their respectively families; not previous convicts; undergone the substantive sentence, as noted above, suffering the ignominy of trial for the last more than 24 years; after release on bail, have not misused such concession granted to them, finds that the ends of justice would be adequately met if the sentence of the petitioners is ordered to be reduced to the period already undergone by them.

17. Accordingly, while upholding the conviction of the petitioner Nos.2 and 3, their sentence is ordered to be reduced to the period already undergone by them. However, keeping in view the gravity of an offence, the fine imposed upon them, be increased from Rs.1000/- to Rs.10,000/- each, to be paid by petitioners No.2 and 3 to the injured/complainant.

18. With the above modification in the order of sentence dated 15.03.2007 passed by learned Judicial Magistrate 1st Class, Ajnala, as noted above, the revision petition is partly allowed.

(AMAN CHAUDHARY)
JUDGE

31.10.2025

M.Kamra

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No