

251 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2026:PHHC:096586



CRA-S-2618-SB-2006 (O&M)
Date of Decision: 14.07.2026

GURJIT SINGH AND ANOTHER ... APPELLANTS
VERSUS
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present- Mr. Anmoldeep Singh, Advocate with
Mr. Utsav Singh Bains, Advocate for the appellants.
Mr. Sandeep Kumar, D.A.G., Punjab.
Mr. Sarbjit Singh, Advocate for respondent No.2.

H.S. GREWAL, J. (ORAL)

1. Present appeal has been filed against the judgment of conviction and order of sentence dated 30.10.2006 passed by learned Addl. Sessions Judge, Amritsar whereby the appellants were convicted and sentenced to undergo as under:-

I) Gurjit Singh

Charge: Under Sections 307, 326, 324, 325, 323, 34 IPC

Sentence: To undergo rigorous imprisonment as under:

- (a) To undergo RI for a period of 10 years and fine of Rs.5000/-, in default of payment of fine, to further undergo rigorous imprisonment for a period of one year under Section 307 IPC.
- (b) To undergo RI for a period of 04 years and fine of Rs.3000/-, in default of payment of fine, to further undergo rigorous imprisonment for period of nine months under Section 326 IPC.
- (c) To undergo RI for a period of 01 year and fine of Rs.500/-, in default of payment of fine, to further undergo rigorous imprisonment for a period of 01 month under Section 324 IPC.
- (d) To undergo RI for a period of 02 years and fine of Rs.1000/-, in

default of payment of fine, to further undergo rigorous imprisonment for period of 03 months under Section 325/34 IPC.

(e) To undergo RI for a period of 04 months and fine of Rs.500/-, in default of payment of fine, to further undergo rigorous imprisonment for period of one month under Section 323/34 IPC.

All the substantive sentences were ordered to run concurrently.

II) Gurlal Singh

Charge: Under Sections 307, 326, 324, 325, 323, 34 IPC

Sentence: To undergo rigorous imprisonment as under:

(a) To undergo RI for a period of 09 years and fine of Rs.4000/-, in default of payment of fine, to further undergo rigorous imprisonment for a period of nine months under Section 307/34 IPC.

(b) To undergo RI for a period of 03 years and fine of Rs.2000/-, in default of payment of fine, to further undergo rigorous imprisonment for period of 06 months under Section 326/34 IPC.

(c) To undergo RI for a period of 09 months and fine of Rs.500/-, in default of payment of fine, to further undergo rigorous imprisonment for a period of 01 month under Section 324/34 IPC.

(d) To undergo RI for a period of 03 years and fine of Rs.3000/-, in default of payment of fine, to further undergo rigorous imprisonment for period of 09 months under Section 325/34 IPC.

(e) To undergo RI for a period of 06 months and fine of Rs.500/-, in default of payment of fine, to further undergo rigorous imprisonment for period of one month under Section 323/34 IPC.

All the substantive sentences were ordered to run concurrently.

2. The case of the prosecution is that complainant Ravinder Singh, his wife Surinder Kaur and brother Joginder Singh, after attending work in their fields, were going to their house. It was about 5.30 PM when they reached opposite to Shatala field of Gurmej Singh, then accused Gurjit Singh carrying *dattar* and Gurlal Singh carrying *dang* came on foot from opposite side and upon finding complainant party, accused Gurlal Singh

exhorted that they be caught hold and they be given the taste for having helped uncle Joginder Singh and for having demanded agricultural fields. Gurjit Singh gave five datar blows and Gurlal Singh gave seven dang blows, one after another to complainant. Then, the complainant party raised alarm. Accused fled away from the spot alongwith their weapons of offence.

3. The parties have compromised the matter and their statements have also been recorded before the learned trial Court to that effect. Learned counsel for the appellants contends that he is not assailing the impugned judgment of conviction on merits and restricts his prayer qua modification of the order on quantum of sentence. He also contends that appellant No.1 – Gurjit Singh is 50 years of age and appellant No.2 – Gurlal Singh is 44 years of age and 20 years have elapsed since the appellants are facing the rigors of trial. The appellants have already undergone custody for more than 04 years and 07 months out of the awarded sentence. He prays that since the occurrence is of the year 2005 a lenient view may be taken while passing an order on quantum by this Court.

4. Learned State counsel opposes the prayer of the appellants and has filed the custody certificates in the Court, which are taken on record. He further submits that the learned trial Court has passed well reasoned judgment based on correct appreciation of evidence available on record.

5. I have heard learned counsel for the parties and have gone through the material placed on record.

6. The FIR in the present case pertains to the year 2005 and the appellants have already faced the rigors of the trial for more than 20 years.

7. Hon'ble the Supreme Court in "***Deo Narain Mandal Vs. State of UP***", (2004) 7 SCC 257, has held that awarding of sentence is not a mere

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, the manner in which the offence is committed, age of the appellants, 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.

8. Further, a Division Bench of the Hon'ble Supreme Court in ***Ravada Sasikala Vs. State of AP, AIR 2017 SC 1166***, has held 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 conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.

9. A perusal of the judgment of conviction passed by the learned trial Court indicate no perversity in its finding and the same is based on correct appreciation of evidence available on record. However, learned counsel for the appellants has not assailed the judgment, rather restricted the prayer only qua modification of quantum of sentence to that of the sentence already undergone by the appellants.

10. As far as the question of quantum of sentence in concerned, it is worthwhile to note that the occurrence in this case pertains to the year 2005.

cherished rights guaranteed under the Constitution. The appellants have already suffered the agony of protracted trial, spanning over a period of more than 20 years and has been in the corridors of the court for this prolonged period. In view of the facts noted above, the case of the appellants deserves to be dealt with leniency. The appellants also deserve the benefit of the consistent view taken by this court in this regard. Thus, guided by the judicial pronouncements made by the Hon'ble Supreme Court in the cases of *Haripada Das Vs. State of West Bengal* reported in (1998) 9 SCC 678 and *Alister Anthony Pareira vs. [2023:RJ-JD:28174] (5 of 5) [CRLR-755/2003] State of Maharashtra reported in 2012 2 SCC 648* and considering the facts and circumstances of the case, age of the appellants, their status in the society and the fact that they faced financial hardship and had to go through mental agony, moreover, the parties have settled the matter by way of compromise, this court is of the view that ends of justice would be met, if sentence imposed upon the appellants is reduced to the period as already undergone by them.

11. Accordingly, judgment dated 30.10.2006 passed by learned Addl. Sessions Judge, Amritsar is hereby affirmed but the quantum of sentence awarded by the Court concerned under Sections 307, 326, 324, 325/34, 323/34 IPC is hereby modified and reduced to the period of sentence as already undergone by the appellants. Appellants are on bail. They need not surrender. Their bail bonds are discharged.

12. With these modifications, the present appeal is disposed of.

13. Pending application(s), if any, shall also stand disposed of.

(H.S.GREWAL)
JUDGE

14.07.2026

Janki

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