

**IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH**

**Criminal Revision No.3435 of 2014 (O & M)**

**Date of Decision:** *March 13, 2015*

**Bachan Singh & another**

..... PETTIONER

*VERSUS*

**State of Punjab**

..... RESPONDENT

. . .

**CORAM:**     **HON'BLE MR. JUSTICE JASPAL SINGH**

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1.     Whether Reporters of local papers may be allowed to see the judgment?
2.     To be referred to the Reporters or not?
3.     Whether the judgment should be reported in the Digest?

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**PRESENT:** -    Ms. Anju Arora, Advocate, for the petitioner.

Mr. R.S. Sidhu, Assistant Advocate General,  
Punjab, for the respondent – State.

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**Jaspal Singh, J**

1.             Bachan Singh and Bhagwan Singh have preferred the instant revision petition feeling dis-satisfied against their conviction and sentence vide judgment & order of sentence dated February 29, 2012 passed by the Judicial Magistrate First Class, Fazilka, in case FIR No.403 dated November 05, 2007 under Sections 323, 324, 34 IPC, Police Station, Sadar, Fazilka, which was confirmed vide judgment dated September 17, 2014

passed by learned Additional Sessions Judge, Fazilka, whereby an appeal preferred by them was dismissed.

2. At the very outset, it has been argued by learned counsel for the petitioners that the petitioners do not challenge impugned judgments so far as they relate to their conviction under Sections 325, 323 read with Section 34 IPC, however, a lenient view may be taken in the matter of sentence keeping in view the fact that the petitioners have suffered pain and strain of protracted trial since 2007, who are old aged persons. Moreover, Mohindro Bai, to whom, injury No.1 on the left parietal region and skull was attributed, has already been granted the concession of probation by the learned trial court. The injury which has been attributed to Bhagwan Singh, is on the right hand whereas the injury attributed to Bachan Singh, though, grievous, is on the right knee. The petitioners are also behind the bars for the last about six months i.e. the day their appeal was dismissed, by the lower appellate court.

3. Award of sentence is an important task in the matters of crime and one of the prime objectives of the criminal law is imposition of an appropriate, adequate, just and proportionate sentence commensurate with the nature and gravity of the crime. There is no strait jacket formula for sentencing an accused on proof of crime.

4. Adverting to the facts of the present case, injuries attributed to both the petitioners are though grievous, caused with blunt weapon but are on non-vital parts of the body i.e. right hand and right knee. Moreover, both the petitioners are old aged persons and are facing protracted trial for the last more than six months. So, taking into consideration the allegations attributed to them and role played by them during the course of occurrence, this Court is of the considered view that it would be apt and proper, and ends of justice would meet in case a lenient view is taken in the matter of sentence. Accordingly, sentence awarded to the petitioners is modified to the extent that the same shall stand reduced to the period already undergone by them. Accordingly, appeal is dismissed but with modification in the sentence imposed by learned trial court and upheld by appellate court as observed as in foregoing paragraph.

5. The revision petition stands disposed of.

**March 13, 2015**  
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**(Jaspal Singh)**  
**Judge**