

705

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRR-2487-2013  
Date of decision: 24.07.2024

TARSEM SINGH AND ANOTHER

...PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rajat Dogra, Advocate,  
Mr. Ankit Bhinchar, Advocate and  
Mr. S.P.S. Sidhu, Advocate  
for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

Mr. Nakul Sharma, Advocate for respondent No.2.

\*\*\*\*

HARPREET SINGH BRAR J. (ORAL)

1. This revision has been preferred against the judgment dated 31.07.2013 passed by learned Additional Sessions Judge, Ferozepur, vide which, judgment of acquittal passed by learned Additional Chief Judicial Magistrate, Ferozepur was recovered and the petitioners stood convicted in a complaint filed under Sections 406, 498-A and 506 of IPC.
2. The petitioners were sentenced as under:

| Petitioner(s) name | Offence | Sentence                                                                                  |
|--------------------|---------|-------------------------------------------------------------------------------------------|
| 1. Tarsem Singh    | 406 IPC | RI for 02 years with a fine of Rs.5,000/-, in default of which, to undergo for one month. |



|                 |         |                                                                                           |
|-----------------|---------|-------------------------------------------------------------------------------------------|
|                 | 498-A   | RI for 02 years with a fine of Rs.5,000/-, in default of which, to undergo for one month. |
| 2. Parkash Kaur | 406 IPC | RI for 01 year with a fine of Rs.5,000/-, in default of which, to undergo for one month.  |
|                 | 498-A   | RI for 01 year with a fine of Rs.5,000/-, in default of which, to undergo for one month.  |

3. The brief-facts leading to the filing of the instant petition are that respondent No.2/complainant-Pooja was married to petitioner No.1 Tarsem Singh in the year 1999 in accordance with Sikh rites and rituals. Thereafter, matrimonial dispute ensued between the couple on account of demand of dowry and the complainant/respondent No.2 was turned out of her matrimonial house. Thereafter, *Panchayat* was held but compromise could not be effected. Hence, the complaint.

4. The petitioners were convicted vide judgment dated 31.07.2013 passed by lower Appellate Court.

5. Learned counsel for the petitioners contends that he is not assailing the impugned judgment of conviction dated 31.07.2013 on merits and restricts his prayer to modification of the order of quantum of sentence to that of the sentence already undergone by the petitioners, as petitioner No.1 has already undergone a period of 12 days and petitioner No.2 has undergone a period of 20 days and both of them are not involved in any other criminal activity.

6. Per contra, learned State counsel opposes the prayer of the petitioners as the lower Appellate Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record and as such, they



do not deserve any leniency.

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

8. 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. 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.

9. A perusal of the judgment of conviction passed by the lower Appellate Court indicates no perversity in its findings and the same is based on



correct appreciation of evidence available on record. Moreover, learned counsel for the petitioners has not assailed the judgment of conviction on merits, rather he has restricted his prayer only qua quantum of sentence.

10. The complaint in the present case was lodged on 01.08.2000 and the petitioners have been suffering the agony of protracted trial for more than last 24 years. Since their conviction, the petitioners have grown into a law-abiding citizen and desires to live a peaceful life. As per their custody certificates, they are not involved in any other case and have undergone actual sentence of 12 days and 20 days respectively out of total sentences of 02 years and 01 year respectively, in the instant case.

11. Accordingly, this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to the petitioners is reduced to the period already undergone by them.

12. Consequently, the present appeal is disposed of in the following terms:-

(i) The judgment dated 31.07.2013 passed by the learned Additional Sessions Judge, Ferozepur, reversing the judgment of acquittal is upheld, however, the order of sentence dated 31.07.2013 is modified to the extent that the sentence of rigorous imprisonment for 02 years awarded to petitioner No.1 and 01 year awarded to petitioner No.2 along with default mechanism is reduced to the period of sentence already undergone by them.

(ii) The sentence of fine of an amount of Rs.15,000/- imposed upon petitioner No.1 and Rs.10,000/- imposed upon petitioner No.2 by the lower Appellate Court is increased to Rs.25,000/- and Rs.20,000/- respectively. The petitioners are



directed to deposit the amount of fine in the trial Court within one month from the date of receipt of certified copy of this order and in case of default of payment of fine, the petitioners shall be liable to be taken into custody and made to undergo rigorous imprisonment for two months and one month respectively.

July 24, 2024  
manisha

(HARPREET SINGH BRAR)  
JUDGE

- |      |                           |        |
|------|---------------------------|--------|
| (i)  | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable        | Yes/No |