

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

764CRR-4091-2014
DATE OF DECISION: 29.07.2024

Harpreet Singh.....Petitioner

VERSUS

State of Punjab and another.....Respondents

CORAM HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present Mr.Zorawar Singh Chauhan, Advocate,
for the petitioner.

Mr.Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR, J (ORAL)

1. This revision has been preferred against the judgment dated 02.12.2014 passed by learned Additional Sessions Judge, SBS Nagar vide which judgment of conviction and order of quantum of sentence dated 24.01.2014 passed by learned CJM, SBS Nagar in FIR No.142 dated 02.06.2006, under Sections 406 and 498-A IPC registered at Police Station Banga, has been upheld. The petitioner was sentenced as under:

Offence	Sentence
Section 498-A IPC	To undergo RI for a period of 2 years and to pay a fine of Rs.2,000/- and in default of payment of fine, to further undergo RI for three months.

2. Allegations per FIR are that in a complaint dated 03.05.2006 moved by complainant Anita, it has been stated that she was married to Harpreet Singh (present petitioner) on 17.01.1999 and has two children. The accused persons are harassing, maltreating and giving beatings to her and demanding dowry. Her parents are poor persons. About a year ago, her father had paid Rs.30,000/- to the accused persons for running a shop in the presence of Harmel Singh and



Tarlok Singh. Her parents had made expenditure on her marriage as per their capacity but these persons are very greedy and demanding the dowry time and again. The accused persons are also demanding Rs.3,00,000/- for going abroad but they (complainant party) are not in a position to give the same. She is apprehending the threat of her life from the accused persons. She is residing in the house of her parents.

3. The petitioner was convicted vide judgement dated 24.01.2014 by the learned trial Court which has also been upheld by lower Appellate Court vide judgment dated 02.12.2014.

4. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of conviction dated 24.01.2014 and 02.12.2014 on merits and restricts his prayer to modification of the order of quantum of sentence to that of the sentence already undergone by the petitioner as has already undergone a period of 18 days and is not involved in any other criminal activity.

5. Per contra, learned State counsel opposes the prayer of the petitioner as the learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record which has also been upheld by the learned lower Appellant Court and as such, he does not deserve any leniency.

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

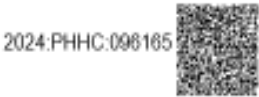
7. In **Deo Narain Mandal v. State State of UP (2004) 7 SCC 257**, a three Judge bench of the Hon'ble Supreme Court has opined that awarding of sentence is not a mere formality in criminal cases. When a minimum and maximum term is prescribed by the statute with regard to the period of sentence, a discretionary element is vested in the Court. Background of each case, which includes factors like gravity of the offence, manner in which the offence is com-



mitted, 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.

8. A perusal of the judgment of conviction passed by the learned trial Court indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. Learned counsel for the petitioner has not assailed the judgment of conviction on merits, rather he has restricted his prayer only qua quantum of sentence.

9. The FIR in the present case was lodged on 02.06.2006 and the petitioner has been suffering the agony of trial since the last 18 years. Since his conviction, the petitioner has grown into a law-abiding citizen and desires to live a peaceful life. As per his custody certificate, he is not involved in any other case and has undergone actual sentence of 18 days out of total sentence of two years in the instant case.



10. Accordingly, this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to the petitioner is reduced to the period already undergone by him.
11. Consequently, the present appeal is disposed of in the following terms:-
- (i) The judgment dated 02.12.2014 passed by the learned Additional Sessions Judge, SBS Nagar affirming the judgment of conviction is upheld, however, the order of sentence dated 24.01.2014 is modified to the extent that the sentence of rigorous imprisonment for a period of two years and to pay fine of Rs.2,000/- along with default mechanism awarded to the petitioner is reduced to the period of sentence already undergone by him.
 - (ii) The sentence of fine of an amount of Rs.2,000/- imposed upon the petitioner by the trial Court is increased to Rs.5,000/-. The petitioner is 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 petitioner shall be liable to be taken into custody and made to undergo rigorous imprisonment for one month.
12. Pending miscellaneous application(s), if any, shall also stand disposed.

29.07.2024	(HARPREET SINGH BRAR)
mamta	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No