

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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2024:PHHC:044169
Criminal Revision No.3127 of 2018 (O&M)
Date of decision: April 2nd, 2024

Jagdeep Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. N.S. Dandiwal, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

Mr. Gurpreet Singh, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner has filed the instant revision petition to impugn the order dated 17.05.2018 passed by learned Additional Sessions Judge, Moga, whereby the appeal preferred by him against the judgment of conviction and order of sentence dated 03.03.2016 passed by learned Judicial Magistrate 1st Class, Moga, was dismissed. Vide judgment of conviction and order of sentence dated 03.03.2016, learned Judicial Magistrate 1st Class, Moga, convicted and sentenced the petitioner as under:-

Offence(s) u/s	Period of sentence(s)	Fine imposed	Period of sentence in default of payment of fine
326 IPC	RI for three years	₹1000/-	SI for one month
324 IPC	RI for two years		

- Both the sentences were ordered to be run concurrently.
- Learned counsel for the petitioner at the outset has fairly

submitted that in view of the findings of fact recorded by both the Courts below, he would not press the instant revision petition on merits and would instead restrict his prayer qua the quantum of sentence only. Learned counsel submits that the occurrence in question pertains to the year 2011 and the petitioner has thus, suffered the agony of a protracted trial for more than 13 years. Learned counsel further submits that the petitioner has been leading a disciplined life ever since then and has not been involved in any other criminal case. A prayer, therefore, has been made that in the aforesaid facts and circumstances, a lenient view be taken and the quantum of sentence awarded to the petitioner by the trial Court be reduced to the period already undergone as no useful purpose would be served by sending the petitioner behind bars.

4. Learned State counsel assisted by learned counsel for respondent No.2-complainant while opposing the prayer made by counsel opposite submits that due to the occurrence in question, the complainant sustained grievous injuries, hence, the petitioner did not deserve any leniency. A prayer, therefore, has been made for dismissal of the petition.

5. I have heard learned counsel for the parties and perused the impugned judgments passed by the Courts below.

6. This Court does not find any illegality much less perversity in the concurrent findings recorded by both the Courts below, which are thus upheld.

7. Coming to the prayer of the learned counsel for the petitioner with respect to quantum of sentence, it would be apposite to point out here that the occurrence in question took place in the year 2011 and ever since then the petitioner has faced long and protracted criminal proceedings for more than 13 years. It has not been disputed

by the State counsel that after the occurrence in question, the petitioner has not been involved in any other criminal case and concededly, has not misused the concession of bail granted to him during all these preceding years.

8. In the above facts and circumstances, this Court does not deem it appropriate to send the petitioner behind bars at this juncture when admittedly he has been fastened with many responsibilities in the preceding few years. It cannot be overlooked that the ultimate goal of punishment in a modern civilized society is to attempt reformation of the offender. It may not always be necessary in each and every case to incarcerate the offender where he/she has had an opportunity to repent for his/her wrongs.

9. Hon'ble the Supreme Court in *Ved Prakash vs. State of Haryana, 1981(1) SCC 447* has also observed that “*it is the duty of the sentencing Court to be activist enough to collect such facts as have a bearing on punishment with a rehabilitating slant.*”

10. Keeping in view the facts and circumstances of the case as well as the submissions made by learned counsel for the petitioner, this Court is of the considered view that ends of justice would be met, if while maintaining the conviction of the petitioner, his substantive sentence of three years is reduced to the period already undergone by him which in the present case is one year and three months.

11. However, fine imposed on the petitioner is enhanced from ₹1,000/- to ₹35,000/- under Section 326 of the IPC. It is made clear that in case of non-deposit of fine with the trial/successor Court within a period of two months from the date of this order, benefit of reduction of sentence shall not accrue to the petitioner and he will be required to undergo the remaining part of the sentence awarded to him. On deposit of fine, the enhanced amount of fine shall be disbursed to the

injured/complainant, against proper identification.

12. With the aforesaid modifications, the instant revision petition is disposed of.

April 2nd, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No