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**223 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH**

**CRR-37-2025 (O&M)
Date of Decision: 14.02.2025**

ROBIN @ RANDEEP AND ANOTHER

...Petitioners

V/S

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Keshav Partap Singh, Mr. Ankit Chaudhary
and Ms. Sakshi Sharma, Advocates for the petitioners.

Mr. Ramesh Kumar Ambavte, AAG Haryana.

Mr. Ashwani Gaur and Ms. Shivangi Sharma, Advocates
for the complainant.

HARPREET SINGH BRAR J. (Oral)

1. Present revision petition has been preferred against the judgment dated 24.12.2024 passed by learned Additional Sessions Judge, Panipat vide which judgment of conviction and order on quantum of sentence dated 15.06.2019 passed by learned Chief Judicial Magistrate, Panipat have been upheld whereby petitioners have been convicted under Sections 323, 324 and 506 of Indian Penal Code and sentenced to undergo rigorous imprisonment for six months and fine of Rs. 500/- each was imposed with default mechanism in FIR No. 931 dated 21.09.2010 registered under Sections 323, 324, 325, 506 and 34 of Indian Penal Code, 1860 (for short IPC) registered at Police Station City Panipat.

2. The case of the prosecution, in brief, is that on 20.09.2010, a telephonic message was received in Police Post Sector 6-7, HUDA, Panipat that Pritam Singh was admitted in General Hospital, Panipat in injured

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condition and referred to PGIMS, Rohtak. On that information, Brijpal Singh, Assistant Sub Inspector along with other police officials reached bus stand, Panipat for going to PGIMS, but came to know that the injured was admitted in Prem Hospital, Panipat. Accordingly, Brijpal Singh reached Prem Hospital, Panipat and after seeking opinion of the doctor recorded the statement of injured/complainant-Pritam Singh. It was submitted by the complainant that he was driver of Hydro in Refinery. Few days back, a scuffle took place between him and Robin (petitioner No. 1) and Pardeep and both the sides received injuries. On 20.09.2010, he along with his friend Sohail Khan had gone to Shingla Palace taking meals, at about 10:15 pm, they were standing outside Shingla Palace. In the meanwhile, Pardeep, Robin and Amit Punjabi came there armed with *Lathi*, *Danda* and sharp edged weapon and threatened to teach him a lesson. Robin inflicted injury on his right ear with sharp edged weapon. Then, Pardeep gave a *Danda* blow on his head and Amit Punjabi gave a *Danda* blow on the middle finger of his right hand. Robin again inflicted injury behind right ear on the hand. On raising alarm, Suhail and Pardeep Sharma rescued him from the clutches of the accused, but the accused caused injuries to Suhail also. While going, the accused threatened to kill him on getting opportunity. Request for taking legal action against accused was made.

3. Learned trial Court after assessing the material on record convicted the petitioners under Sections 323, 324 and 506 of Indian Penal Code and sentenced them to undergo rigorous imprisonment for six months along and fine of Rs. 500/- each was imposed upon them with default



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mechanism. Appeal filed against the said judgment of conviction and order of sentence was dismissed by learned Lower Appellate Court.

4. Learned counsel for the petitioners contends that he is not assailing the impugned judgment of conviction dated 24.12.2024 passed by learned Additional Sessions Judge, Panipat on merits and restricts his prayer to modification of the order on quantum of sentence dated 15.06.2019 to that of sentence already undergone by the petitioners as both the petitioners have already undergone a period of 02 months and 20 days including remission.

5. Per contra, learned State counsel opposes the prayer of the petitioners on the ground that 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 Appellate Court and as such, they do 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 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

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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 lower Appellate Court indicates no perversity in its findings and the said judgment 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 modification of quantum of sentence.

9. Perusal of record indicates that FIR(supra) was registered in the year 2010 and the petitioners have been suffering the agony of trial since the last more than 14 years. As per the custody certificate, the petitioners have undergone total sentence of 02 months and 20 days, including remission, out of rigorous sentence of six months awarded to them.



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9. 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.

10. Consequently, the present petition is disposed of in the following terms:-

(i) The judgment dated 24.12.2024 passed by the learned Additional Sessions Judge, Panipat upholding the judgment of conviction dated 15.06.2019 passed by learned Chief Judicial Magistrate, Panipat is upheld, however, the order of sentence dated 15.06.2019 is modified to the extent that the sentence of rigorous imprisonment for six months awarded to the petitioners is reduced to the period of sentence already undergone by them.

(ii) Fine of Rs. 500/- each imposed upon the petitioners is enhanced to Rs. 5,000/- each. The petitioners are directed to deposit the remaining 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 simple imprisonment for one month.

11. Petitioners-accused be released from the custody, if not required in any other case.

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

(HARPREET SINGH BRAR)
JUDGE

14.02.2025
Ajay Goswami

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