

CRR-91-2025 (O&M)

-1-

**223(2) IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH**

**CRR-91-2025 (O&M)
Date of Decision: 14.02.2025**

RAVINDER KUMAR AND OTHERS

...Petitioners

V/S

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Partap Singh, Advocate
for petitioner No. 1.

Mr. Ashwani Gaur and Ms. Shivangi Sharma, Advocates
for petitioners No. 2 to 4.

Mr. Ramesh Kumar Ambavta, AAG Haryana.

Mr. Keshav Partap Singh, Mr. Ankit Chaudhary
and Ms. Sakshi Sharma, Advocate for respondent No. 2.

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 148, 323, 325 and 506 read with Section 149 of Indian Penal Code and sentenced to undergo rigorous imprisonment for two years and fine of Rs. 1,000/- each was imposed with default mechanism in criminal complaint No. 7 of 2019 filed under Sections 148, 149, 323, 324, 307, 167, 201, 217, 218 and 206 of Indian Penal Code, 1860 (for short IPC).

2. Brief facts of the present complaint are that on 20.09.2010, complainant along with his brother Pardeep had gone to Singhla Palace,

**CRR-91-2025 (O&M)****-2-**

G.T. Road, Panipat to attend a marriage and when he along with his brother Pardeep and his friend Jugvinder were having dinner, the petitioners along with Ajay and Suhel Khan came at the spot and thereafter accused Pritam and Sushil caught hold of him and accused Pawan gave an iron rod blow on his head. Thereafter, accused Ravinder Kumar, Pritam, Suhel Khan and Sushil also gave leg blows and fist blows to him. Thereafter, accused Ajay gave Sariya blow to his brother Pardeep. He and his brother Pardeep were saved from the clutches of the above named accused persons by his friend Jugvinder. Thereafter, the accused persons left the spot but not before issuing a threat to face dire consequences. It has been further averred by the complainant that thereafter he and his brother were got admitted in General Hospital, Panipat by their father, who also gave a written complaint along with the copy of their MLR's to the Incharge of Sector-6, Police Post Panipat.

3. Learned trial Court after assessing the material on record convicted the petitioners under Sections 148, 323, 325, 506 read with Section 149 of Indian Penal Code and sentenced them to undergo rigorous imprisonment for two years and fine of Rs. 1,000/- each was imposed upon them with default mechanism. Appeal filed against the said judgment of conviction and order of sentence was dismissed by learned Lower Appellate Court.

4. Learned counsels for the petitioners contends that they are 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

**CRR-91-2025 (O&M)****-3-**

15.06.2019 to that of sentence already undergone by the petitioners as petitioners-Ravinder, Pawan Kumar and Sushil have already undergone a period of 02 months and 20 days including remission and petitioner-Pritam Singh has already undergone a period of 03 months and 05 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 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

**CRR-91-2025 (O&M)****-4-**

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 complaint(supra) was registered in the year 2012 and the petitioners have been suffering the agony of trial since the last more than 12 years. As per the custody certificate, the petitioners-Ravinder, Pawan Kumar and Sushil have already undergone a period of 02 months and 20 days including remission and petitioner-Pritam Singh has already undergone a period of 03 months and 05 days including remission, out of rigorous sentence of two years awarded to them.

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.



CRR-91-2025 (O&M)

-5-

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 two years awarded to the petitioners is reduced to the period of sentence already undergone by them.

(ii) Fine of Rs. 1,000/- 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