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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR-213-2025 (O&M)
Date of Decision: 28.03.2025

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BALBIR SINGH

...PETITIONER

Versus

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Harpreet Singh Rakhra, Advocate and
Ms. Gurvinder Kaur, Advocate for the petitioner.
Mr. Sandeep Kumar, DAG Punjab.

Harpreet Singh Brar, J. (Oral)

1. This revision petition has been filed against the judgment dated 28.11.2024 passed by learned Additional Sessions Judge, Ludhiana vide which judgment of conviction and order on quantum of sentence dated 16.01.2018 passed by learned Sub Divisional Judicial Magistrate, Khanna have been upheld, whereby the petitioner has been convicted and sentenced as under:

Offence under Sections	Sentence	Fine	Sentence in default of payment of fine
420 of Indian Penal Code	Rigorous imprisonment for two years	Rs. 1,000/-	Rigorous imprisonment for one month

2. Learned Counsel for the petitioner submits that he is not assailing the impugned judgment of conviction dated 28.11.2024 passed by learned Additional Sessions Judge, Ludhiana on merits and restricts his prayer to modification of the order on quantum of sentence dated 16.01.2018 to that of sentence already undergone by the appellant as he has already undergone a period of 07 months and 04 days out of total sentence of 02 years imposed upon him.



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3. Per contra, learned State counsel opposes the prayer of the appellant on the ground that learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record and the said judgment of conviction has also been upheld by learned lower Appellate Court. Moreover, the petitioner is also involved in two more cases and as such, the petitioner does not deserve any leniency.

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

5. 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.

6. 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.

7. A perusal of the judgment of conviction passed by the learned trial 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 petitioner has not assailed the judgment of conviction on merits, rather he has restricted his prayer only qua modification of quantum of sentence.

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. It transpires that the petitioner was convicted under Section 420 of IPC, for which no minimum punishment has been prescribed. The FIR in the present case was lodged on 22.04.2014 and the petitioner has been suffering the agony of trial since the last about 11 years. As per his custody certificate, he has undergone actual custody of a period of 07 months and 04 days out of substantive sentence of 02 years imposed upon him. Moreover, learned counsel for the petitioner has not assailed the judgment of conviction on merits. Rather, he has restricted his prayer only qua modification of order on quantum of sentence. Since there is no minimum punishment prescribed under Section 420 of IPC, 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. Since his conviction, the petitioner has grown into a law-abiding citizen and desires to live a peaceful life

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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 petitioner is reduced to the period already undergone by him.

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

(i) The judgment of conviction dated 28.11.2024 passed by the learned Additional Sessions Judge, Ludhiana is upheld, however, the order of sentence dated 16.07.2018 is modified to the extent that the sentence of rigorous imprisonment for 02 years and fine of Rs. 1,000/- with default mechanism awarded to the petitioner is reduced to the period of sentence already undergone by him.

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

(HARPREET SINGH BRAR)
JUDGE

28.03.2025*Ajay Goswami**Whether speaking/reasoned*
*Whether reportable**Yes/No**Yes/No*