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

**CRA-S-2447-SB-2004 (O&M)
Date of decision: 01.04.2025**

Dalbara Singh @ Dara Singh

... Appellant

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. H.P.S. Sandhu, Advocate and
Mr. H.V. Gupta, Advocate
for the appellant.

Mr. Subhash Godara, Addl. A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Present appeal has been preferred against the judgment of conviction dated 12.10.2004 and the order of sentence dated 14.10.2004 passed by learned Sessions Judge, Sangrur, in FIR No.25 dated 05.04.2003 under Sections 304-B & 498-A of the Indian Penal Code (for short 'IPC'), registered at Police Station Sherpur, District Sangrur, vide which the appellant was convicted under Sections 498-A & 306 of IPC and sentenced

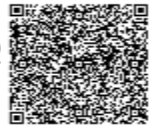
2025:PHHC:043792



to undergo rigorous imprisonment for a maximum period of five years and to pay a total fine of Rs.6,000/- along with default mechanism.

2. Brief facts of the case, as per the case set up by the prosecution, are that FIR (*supra*) was registered on the statement of PW3 Gurmail Singh, on the allegations that marriage of her sister was solemnized with the appellant about 03 years back and they gave sufficient dowry articles in the marriage. After some time of the marriage, the accused started harassing and maltreating her on the pretext of bringing inadequate dowry. When she went to her parental home, she told about the incident to the complainant and her parents, upon which, he along with his father and other persons went to house of the accused and requested them not to harass her, as they were poor and were not in a position to fulfill their demand of more dowry. After one year of the marriage, a male child was born and the accused persons again started harassing her and six months prior to her death, after giving beatings, she was turned out of her matrimonial home. Upon which, the complainant along with one Boota Singh and some other respectables of the society went to matrimonial home of his sister and after counselling the accused, left her in her in-laws house. On 05.04.2003 at about 03.30 p.m., on receiving a telephonic message from Boota Singh regarding death of his sister and her son, the complainant along with his mother and other respectables of the village went to matrimonial home of his sister. He had suspicion that either

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the accused administered poison to his sister or she herself consumed it having fed up from the accused. Thereafter, the matter was reported to concerned police station, on which FIR (*supra*) was registered against the accused persons.

3. After assessing all the material available on record, learned trial Court convicted the appellant vide judgement of conviction dated 12.10.2004 and vide order of sentence dated 14.10.2004, sentenced him to undergo rigorous imprisonment for a maximum period of five years and to pay a total fine of Rs.6,000/- along with default mechanism.

4. Learned counsel for the appellant contends that he is not assailing the impugned judgment of conviction dated 12.10.2004 on merits and restricts his prayer only qua modification of the order of sentence dated 14.10.2004, to that of the sentence already undergone by the appellant, as he has already undergone actual sentence of 02 years, 04 months and 25 days, out of total sentence of 05 years and is not involved in any other criminal activity.

5. *Per contra*, learned State counsel has produced the custody certificate dated 31.03.2025 of the appellant in the Court today, which is taken on record. He opposes the prayer made by the appellant, as learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record and as such, he does not deserve

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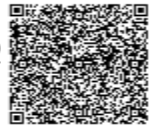


any leniency.

6. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the appellant was convicted under Sections 306 & 498-A of IPC, for which no minimum punishment has been prescribed. As per his custody certificate dated 31.03.2025, the appellant is not involved in any other case and has already undergone an actual sentence of 02 years, 04 months and 25 days out of total sentence of 05 years in the instant case. Since there is no minimum punishment prescribed under Sections 306 & 498-A of IPC, this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to the appellant is reduced to the period already undergone by him.

7. In *Deo Narain Mandal Vs. State of U.P., (2004) 7 SCC 257*, 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

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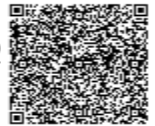
sentence is neither excessively harsh nor does it come across as lenient.

8. Further, the Hon'ble Supreme Court in *Ravada Sasikala Vs. 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.

9. A perusal of the judgment of conviction passed by learned trial Court indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. However, the FIR (*supra*) was lodged on 05.04.2003 and the appellant has been suffering the agony of trial for last about 22 years. Since his conviction, the appellant has grown into a law-abiding citizen and desires to live a peaceful life.

10. Consequently, the present appeal is disposed of and the judgment of conviction dated 12.10.2004 is upheld, however, the order of sentence dated 14.10.2004 is modified to the extent that the sentence of rigorous imprisonment for a maximum period of five years and total fine of

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Rs.6,000/- along with default mechanism awarded to the appellant is reduced to the period of sentence already undergone by him.

11. All the pending miscellaneous application(s), if any, shall also stand disposed of.

01.04.2025
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No