



CRA-S-3261-SB-2012

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
202.1 AT CHANDIGARH

CRA-S-3261-SB-2012
Date of decision: 08.09.2025.

JARNAIL SINGH AND ORS ...APPELLANTS

VERSUS

STATE OF PUNJAB ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE H.S.GREWAL

Present: Mr. Narinder Singh, Advocate for the appellants.
in CRA-S-3261-SB-2012.

Mr. Arun Abrol, Advocate for
Mr. Parminder Singh, Advocate for the complainant.

Mr. Rishabh Singla, AAG, Punjab.

H.S.GREWAL,J. (ORAL)

1. This appeal has been filed by the appellants against the judgment of conviction and order of sentence dated 23.10.2012 passed by the learned Addl. Sessions Judge, Bathinda in case FIR No.15 dated 11.04.2010 under Sections 325/323/34 of IPC registered at Police Station Balianwali whereby they were ordered to undergo the following sentence:

Name of the convict	Convicted under Section	Sentence imposed	In default of payment of fine
Jasgir Singh	325 IPC	RI for two years and fine of Rs. 2000/-	Further RI for two months
	323 IPC	RI for six months	
Jaswant Singh @ Gogi	325 IPC	RI for two years and fine of Rs. 2000/-	Further RI for two months
	323 IPC	RI for six months	
Jarnail Singh	325/34 IPC	RI for one year and fine of Rs. 1000/-	Further RI for two months
	323 IPC	RI for six months	
Jeeta Singh	325/34 IPC	RI for one year and fine of Rs. 1000/-	Further RI for two months
	323 IPC	RI for six months	



2. The case of the prosecution is that Jarnail Singh was armed with a revolver and he fired a shot at the complainant, accused-Jagsir Singh gave a dang blow on his right hand and Jaswant Singh gave a dang blow on his left arm. Thereafter accused Jeeta picked the pistol of the complainant and he was going to fire a shot on the complainant after loading the same. On seeing him, the complainant immediately bent down and pushed Jarnail Singh and turned his back towards Jeeta Singh who fired a shot from 380 NP bore pistol of the complainant which hit the back side of Jarnail Singh's shoulder. Then all the accused persons caused injuries to the complainant.

3. Learned counsel for the appellants submits that it is case of version and cross-version. He further submits that complainant Mohinderpal had contested the Panchayat elections against Jarnail Singh who emerged victorious. The case was filed against the appellants due to this rivalry. He further submits that a compromise has been effected between the parties.

4. On the other hand, learned counsel for the complainant has not disputed the factum of compromise between the parties.

5. On the other hand, learned State counsel opposes the prayer of the appellants on the ground that the learned trial Court has passed well-reasoned judgments based on correct appreciation of evidence available on record and as such, no interference is warranted by this Court.

6. I have heard learned counsel for the parties and have gone through the material placed on record.

7. Hon'ble the Supreme Court in "*Deo Narain Mandal Vs. State of UP*", (2004) 7 SCC 257, has held 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, the 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.

8. Further, a two-Judge Bench of the Hon'ble Supreme Court in *Ravada Sasikala Vs. State of AP, AIR 2017 SC 1166*, has held 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 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 the learned trial Court indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. However, learned counsel for the appellants has not assailed the judgment of conviction on merits, rather restricted the prayer only qua modification of quantum of sentence to that of the sentence already undergone by the appellants. In view of the statement made by the learned counsel for the private respondents that Mohinderpal Singh has expired,



therefore proceedings qua complainant-Mohinderpal Singh stand abated.

10. As far as the question of quantum of sentence is concerned, it is worthwhile to note that the occurrence in this case pertains to the year 2010. The right to speedy and expeditious trial is one of the most valuable and cherished rights guaranteed under the Constitution. The appellants have already suffered the agony of protracted trial, spanning over a period of more than 15 years and have been in the corridors of the court for this prolonged period. They remained incarcerated for one month out of awarded sentence of two years. In view of the facts noted above, the case of the appellants deserves to be dealt with leniency. The appellants also deserve the benefit of the consistent view taken by this court in this regard. Thus, guided by the judicial pronouncements made by the Hon'ble Supreme Court in the cases of *Haripada Das Vs. State of West Bengal* reported in (1998) 9 SCC 678 and *Alister Anthony Pareira vs. [2023:RJ-JD:28174] (5 of 5) [CRLR-755/2003] State of Maharashtra reported in 2012 2 SCC 648* and considering the facts and circumstances of the case, age of the appellants, their status in the society and the fact that they faced financial hardship and had to go through mental agony, this court is of the view that ends of justice would be met, if sentence imposed upon the appellants is reduced to the one already undergone by them.

11. Accordingly, judgment of conviction and order of sentence dated 23.10.2012, passed by the learned Additional Sessions Judge, Bathinda is affirmed but the quantum of sentence awarded by the Court concerned under Sections 325/323/34 of IPC has been modified and reduced to the period of sentence they have undergone till date and the same would be sufficient and justifiable to serve the interest of justice. The appellants are on bail. They need



CRA-S-3261-SB-2012

5

not surrender. Their bail bonds are discharged.

- 12. With these modifications, the present appeal is disposed of.
- 13. *Pending application(s), if any, shall also stand disposed of.*

08.09.2025
renu

(H.S.GREWAL)
JUDGE

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