



CRA-S-3325-SB-2012 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRA-S-3325-SB-2012 (O&M)
Date of decision: 08.09.2025

IQBAL SINGH ... APPELLANT
VERSUS
STATE OF PUNJAB ... RESPONDENT

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

Present:- Mr. Arun Abrol, Advocate for
Mr. Parminder Singh, Advocate for the appellants
Mr. Rishabh Singla, AAG, Punjab.
Mr. Narinder Singh, Advocate for the complainant.

H.S. Grewal, J.(Oral)

1. This appeal has been filed against the judgment of conviction and order of sentence dated 23.10.2012 , passed by the learned Additional Sessions Judge, Bathinda in case F.I.R No.15 dated 11.04.2010, under Sections 307/34 of IPC and Section 25 of Arms Act registered at Police Station Balianwali, whereby the appellant had been convicted and sentenced to undergo imprisonment along with fine as under:-

Name of the accused/appellant(s)	Section	Sentenced to undergo	In default of payment of fine
Iqbal Singh	307 and 307/34 IPC	RI for five years and fine of Rs. 5000/-	Further RI for three months
	25 of Arms Act	RI for three years and fine of Rs. 2000/-	Further RI for two 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 appellant contends that he is not assailing the impugned judgment of conviction dated 23.10.2012 on merits and restricts his prayer qua modification of the order on quantum of sentence, to the period as already undergone by the appellant, as he has already undergone a sentence of 01 year 03 months and 01 day out of awarded sentence of five years. He further prays that since FIR in question pertains to the year 2010, a lenient view may be taken while passing an order on quantum by this Court. He further submits the matter has been compromised between the parties.

4. Learned counsel for the complainant has not disputed the factum of compromise effected between the parties.

5. On the other hand, learned State counsel opposes the prayer of the appellant by way of filing of custody certificate and submits 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. He further submits that offence under Section 307 is also established against the respondents-accused because Jarnail Singh sustained a



firearm injury on the shoulder, which was grievous in nature but not dangerous to life.

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 appellant 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 appellant. In view of the statement made by the learned counsel for the appellant 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 appellant has already suffered the agony of protracted trial, spanning over a period of more than 15 years and has been in the corridors of the court for this prolonged period. He remained incarcerated for 01 year 03 months and 01 day out of awarded sentence of three years. In view of the facts noted above, the case of the appellant deserves to be dealt with leniency. The appellant also deserves 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 Pereira 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 appellant, his status in the society and the fact that he 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 appellant is reduced to the one already undergone by him.

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 307/34 of IPC and Section 25 of Arms Act has been modified and reduced to the period of sentence he has undergone till date and the same would be sufficient and justifiable to serve the interest of justice. The appellant is on bail. He need not surrender. His 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

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(H.S.GREWAL)
JUDGE

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