



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

1) CRR-764-2025 (O&M)
Date of decision: 28.05.2025

Pxxxx @ Pxxxx Petitioner

Versus

State of Haryana ...Respondent

2) CRR-864-2025 (O&M)

Virender Petitioner

Versus

State of Haryana ...Respondent

3) CRR-932-2025 (O&M)

Suresh Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Raman Chawla, Advocate
for the petitioner (in CRR-764-2025).

Mr. Vikram Sheoran, Advocate and
Ms. Alka Sheoran, Advocate
for the petitioner (in CRR-864-2025).

Mr. Ajay Poonia, Advocate
for the petitioner (in CRR-932-2025).

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. This common order shall dispose of the aforementioned revision petitions as they arise from a similar factual matrix. However, for the sake of brevity, the facts are taken from CRR-764-2025.

CRR-764-2025 (O&M)
CRR-864-2025 (O&M)
CRR-932-2025 (O&M)

2. The present revision petition(s) is preferred against the judgment dated 15.02.2025 passed by the learned Additional Sessions Judge, Bhiwani, vide which the appeal against judgment of conviction dated 18.05.2023 and order of sentence dated 19.05.2023 passed by the learned Sub Divisional Judicial Magistrate, Siwani, in FIR No.222 dated 27.12.2017 registered under Sections 323/325/341/427/34 of IPC, registered at Police Station Siwani, have been dismissed.

3. The petitioners were convicted and sentenced as mentioned below:

Offence	Sentence
Sections 323/34 of IPC	To pay fine of Rs.1000,- each in default of which simple imprisonment for 15 days each.
Sections 325/34 of IPC	Rigorous imprisonment for a period of 02 years each and to pay fine of Rs.1000,- each in default of which simple imprisonment for 15 days each.
Sections 341/34 of IPC	To pay fine of Rs.500,- each in default of which simple imprisonment for 07 days each.

All the sentences were ordered to run concurrently.

4. After assessing the material available on record, the learned trial Court convicted the petitioner(s) vide judgment dated 18.05.2023. Aggrieved by the same, the petitioner(s) preferred an appeal before the learned lower Appellate Court which has been dismissed vide judgment dated 15.02.2025

5. Learned counsel for the petitioner(s) *inter alia* contends that the petitioners have been falsely implicated in the present case and there was no independent corroboration of the testimonies of various witnesses. Further, the entire case of the prosecution hinges upon the testimony of PW-1 & PW-2 along with official witnesses and prosecution has failed to prove its case beyond the shadow of reasonable doubt. Further, he is not assailing the impugned judgment of conviction on merits



CRR-764-2025 (O&M)
CRR-864-2025 (O&M)
CRR-932-2025 (O&M)

-3-

and restricts his prayer to modification of the order on quantum of sentence, to that of the sentence already undergone by the petitioners, as the petitioners have already undergone a total period of 03 months and 16 days in custody.

6. *Per contra*, learned State counsel opposes the prayer of the petitioners as the learned Courts below have passed well-reasoned judgments based on correct appreciation of evidence available on record. He further submits that except petitioner No.3, namely, Suresh, petitioners No.1 & 2, namely, Pxxx and Virender, respectively are involved in other cases and as such, they do not deserve any leniency.

7. Having heard learned counsel for the parties and after perusing the record with their able assistance, it transpires that the petitioners were convicted under Sections 323/325/341/34 of IPC for which no minimum punishment has been prescribed. As per their custody certificates, petitioners have already undergone a period of 03 months and 16 days in custody, in the instant case. Since there is no minimum punishment prescribed under Sections 323/325/341/34 of IPC, 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.

8. 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



CRR-764-2025 (O&M)
CRR-864-2025 (O&M)
CRR-932-2025 (O&M)

-4-

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.

9. 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.

10. 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, the FIR (supra) was lodged on 27.12.2017 and the petitioners have been suffering the agony of trial for last more than 07 years. Since their conviction, they have grown into a law-abiding citizen and desire to live a peaceful life.



CRR-764-2025 (O&M)
CRR-864-2025 (O&M)
CRR-932-2025 (O&M)

-5-

11. Therefore, in view of the discussion above, the above mentioned revision petitions are disposed of in the following terms:-

(i) The judgment dated 15.02.2025 passed by the learned Additional Sessions Judge, Bhiwani, is upheld and sentence of 02 years and fine awarded by the learned trial Court is reduced to the period of sentence already undergone by the petitioners.

12. The petitioners be released from the custody forthwith if they are not required in any other case.

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

14. A photo copy of this order be placed on the file of connected cases.

(HARPREET SINGH BRAR)
JUDGE

28.05.2025

Neha

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