



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

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**CRA-S No.412 of 2021 (O&M)
Reserved on:19.08.2025
Pronounced on :25.08.2025**

Sanjeev Kumar

.....Appellant

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Argued by:Mr. Jaswinder Singh Grewal, Advocate for the appellant.

Mr. K.D. Sachdeva, DAG Punjab.

SURYA PARTAP SINGH, J. (Oral):

This is an appeal against the judgment of conviction and order of sentence passed by the learned Sessions Judge Rupnagar.

2. Brief background of the instant case is that, the appellant faced a trial for the commission of offence punishable under Sections 307, 326 and 34 IPC. However, he has been held guilty and convicted for the commission of offence punishable under Section 326 IPC only. Once convicted, the appellant has been sentenced to undergo rigorous imprisonment for a period of 3 years, and also to pay a fine of Rs. 10,000/-. It has been further directed that in case of default in payment of fine, the appellant would have to undergo rigorous imprisonment of two months in addition.

3. Aggrieved of the abovementioned order this appeal has been preferred by the appellant on the ground that he is innocent and has been falsely implicated in this case. However, during the course of arguments,



instead of pressing the appeal on merits of the case, with regard to judgment of conviction, the learned counsel for the appellant has pressed the appeal on the point of quantum of sentence only. It has been argued by learned counsel for the petitioner that the petitioner is a peace loving person who, except the present case, has never been prosecuted for any other case. With regard to commission of present offence it has been argued by learned counsel for the petitioner, that the petitioner has already served a sentence for a period of 2 years 5 months and 5 days.

4. According to learned counsel for the petitioner in view of clean antecedents of the appellant and nature of injury, for which he has been convicted, the appellant deserves a lenient view. Learned counsel for the petitioner has requested that the sentence awarded to the petitioner may be reduced equivalent to the extent of period which he has already undergone in the present case. The learned counsel for the petitioner has sought intervention of this Court qua abovementioned aspect only.

5. The learned State counsel has opposed the abovementioned arguments. According to learned State counsel the allegations against the petitioner are for the commission of offence punishable under Section 307 IPC as well as Section 326 IPC. He has argued that as many as 6 injuries were inflicted by the appellant on the person of victim and out of abovementioned 6 injuries 3 were on the vital part of the body, i.e. head. According to learned counsel for the respondent-State in the given facts situation the appellant is not entitled for the lenient view.

6. The record has been perused carefully.

7. A perusal of the record shows that the appellant was prosecuted



for the commission of offence punishable under Section 307 IPC on the ground that he had inflicted injuries on the person of victim namely Dilawar Singh with an intention to kill him. However, version set up by the prosecution did not find favour of the learned trial Court, and the learned trial Court acquitted the appellant with regard to the charge for the commission of offence punishable under Section 307 IPC and convicted him for the commission of offence punishable under Section 326 IPC only. However, this fact cannot be ignored that grievous injury, for which the appellant has been prosecuted and convicted, was not on any vital part of the body and no amputation or impairment of any body part had taken place.

8. Taking into consideration the facts situation pertaining to the instant case, it is apparent on record that this is the first offence committed by the appellant. The custody certificate nowhere shows that he has any other case pending against him. In view of abovementioned facts, and the fact that an imprisonment of 2 years and 5 months has already been undergone by the appellant, the sentence already undergone by the appellant is sufficient to meet the ends of justice, being commensurate to the nature of injuries suffered by the victim. Hence, it is hereby held that with regard to abovementioned prayer of the appellant, the present appeal deserves to be allowed. Therefore, the present appeal is hereby partially accepted. The judgment of trial Court with regard to conviction of appellant is hereby upheld but the order on the point of quantum of sentence is hereby modified and the sentence awarded to the appellant is hereby reduced to the period equivalent to the period he has already undergone, i.e. 2 years 5 months and 5 days.



9. In terms of the abovementioned directions, the present appeal stands partly allowed accordingly.

(SURYA PARTAP SINGH)
JUDGE

Pronounced on:25.08.2025
Manoj Bhutani

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