

2025:PHHC:123006



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

205

CRR-561-2007

Date of decision: September 09, 2025

HARDEV SINGH AND OTHERS

...Petitioners

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. K.S. Sidhu, Sr. Advocate with
Mr. Praagbir Singh Dhindsa, Advocate and
Mr. Kartik Bansal, Advocate
for the petitioners.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant revision petition has been preferred against the judgment of conviction/order of sentence dated 23.04.2003 passed by learned Judicial Magistrate Ist Class, Mansa, in case FIR No.34 dated 28.05.1997 under Sections 326, 324, 323, 34 of the Indian Penal Code, 1860, registered at Police Station Jhunir, District Mansa, convicting and sentencing the petitioner, which judgment was upheld by the learned Additional Sessions Judge, Mansa, on 13.03.2007.

2. Learned counsel for the petitioners, at the outset, submits that petitioner No.1 namely Hardev Singh and petitioner No.2 namely Bhajan Singh @ Harbhajan Singh have expired during the pendency of the present revision petition, and the same may be abated *qua* them. In support, he has placed on record the death certificate of petitioners No.1 and 2. Accordingly, the instant revision petition *qua* petitioners No.1 and 2 stands abated.



3. Petitioners No.3 and 4 i.e. Jasbir Singh and Makhan Singh respectively were sentenced to undergo imprisonment as follows:-

Accused	Offence(s) under Section	Period of sentence	Fine imposed	Period of sentence in default of payment of fine
Jasbir Singh	326 IPC	RI for 1/1-2 years	Rs.400/-	RI for 1 month
	324/34 IPC	RI for 10 months		
	323/34 IPC	RI for 6 months		
Makhan Singh	326/34 IPC	RI for 1/1-2 years	Rs.400/-	RI for 1 month
	324/34 IPC	RI for 10 months		
	323/34 IPC	RI for 6 months		

3A. All the sentences were ordered to be run concurrently.

4. Learned counsel for the petitioners has, at the very outset, fairly conceded that in view of the concurrent findings recorded by the learned Trial Court and learned Appellate Court, he does not intend to assail the conviction of the petitioners on merits. His submission is confined solely to the quantum of sentence. It is urged that the incident pertains to the year 1997, and petitioner No.3 has undergone a period of 4 months whereas petitioner No.4 have already undergone incarceration for a period of 1 month and 6 days. It is further submitted that the petitioners have endured the ordeal of protracted criminal proceedings, is a peace-loving and law-abiding citizen, and has no other criminal antecedents. On these premises, learned counsel pleads for a lenient view, contending that no useful purpose would be served by subjecting the petitioners to further incarceration.

5. *Per contra*, learned State counsel has opposed the prayer for reduction of sentence. While drawing attention to the concurrent findings



recorded against the petitioners, it has been submitted that the conviction calls for no interference. However, the learned State counsel is unable to dispute that subsequent to the occurrence of the year 1997, the petitioners have maintained good conduct and have not been involved in any other criminal activity.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. In the considered view of this Court, having regard to the facts enumerated hereinabove, particularly the circumstance that the incident pertains to the year 1997, and taking note of the fact – undisputed by the learned State counsel, that the petitioners have not indulged in any other criminal act thereafter, and have otherwise been leading a disciplined and law-abiding life, it would not be appropriate to send them back to prison at this stage of life, especially when they have already borne the brunt of prolonged trial proceedings.

8. In the totality of circumstances, ends of justice would be adequately met if, while upholding the conviction of the petitioners, their substantive sentence of rigorous imprisonment for a period of 1/1-2 years is reduced to the period already undergone i.e. 4 months (in case of petitioner No.3) and 1 month and 6 days (in case of petitioner No.4).

9. Ordered accordingly.



10. However the fine imposed is enhanced from Rs.400/- to Rs.10,000/- each to be deposited with the “Punjab State Legal Services Authority Disaster Relief Fund, A/c No.44426937384, IFSC-SBIN0014656, State Bank of India, Sector-68, SAS Nagar, Mohali” within one month from the date of this order. It is made clear that in the event of non-deposit of the enhanced fine within a period of one month from today, the benefit of reduction of sentence shall not accrue to the petitioners, and they shall be required to undergo the remaining part of the sentence awarded to them.

11. With the aforesaid modification in the quantum of sentence and enhancement of fine, the instant revision petition stands disposed of.

September 09, 2025

Jaspreet Kaur

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*