



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
201

CRR-614-2007 (O&M)
Date of decision: 04.07.2025

Harvinder Singh @ Ruby and others
.....Petitioners
Versus
State of Punjab
.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Tarun Singla, Advocate
for petitioner No.1.

Ms. Gurpreet Kaur, Advocate (Amicus Curiae)
for petitioners No.2 to 4.

Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. This revision petition has been preferred against the judgment dated 13.03.2007 passed by the learned Additional Sessions Judge, Jalandhar, vide which judgment of conviction and order on quantum of sentence dated 09.03.2006 passed by the learned Judicial Magistrate Ist Class, Phillaur, in FIR No.114 dated 23.11.2000 registered under Sections 186, 353, 332, 34 IPC at Police Station Goraya, have been modified.
2. The petitioners were convicted by the learned Court below and sentenced as follows:

Harvinder Singh	
Offence	Sentence
Section 353 IPC	Rigorous imprisonment for a period of 01 year and to pay fine of Rs.500/- and in default of payment of fine, to further undergo rigorous imprisonment for 07



	days.
Section 332 IPC	Rigorous imprisonment for a period of 01 year (reduced from 18 months) and to pay fine of Rs.1,000/- and in default of payment of fine, to further undergo rigorous imprisonment for 15 days.
Section 186 IPC	Rigorous imprisonment for a period of 03 months.
Ranbir Singh	
Offence	Sentence
Section 353 IPC	Rigorous imprisonment for a period of 01 year and to pay fine of Rs.500/- and in default of payment of fine, to further undergo rigorous imprisonment for 07 days.
Section 332 IPC	Rigorous imprisonment for a period of 01 year (reduced from 18 months) and to pay fine of Rs.1,000/- and in default of payment of fine, to further undergo rigorous imprisonment for 15 days.
Section 186 IPC	Rigorous imprisonment for a period of 03 months.
Iqbal Singh	
Offence	Sentence
Section 353 IPC	Rigorous imprisonment for a period of 01 year and to pay fine of Rs.500/- and in default of payment of fine, to further undergo rigorous imprisonment for 07 days.
Section 332 IPC	Rigorous imprisonment for a period of 01 year (reduced from 18 months) and to pay fine of Rs.1,000/- and in default of payment of fine, to further undergo rigorous imprisonment for 15 days.
Section 186 IPC	Rigorous imprisonment for a period of 03 months.
Makhan Singh	
Offence	Sentence
Section 353 IPC	Rigorous imprisonment for a period of 01 year and to pay fine of Rs.500/- and in default of payment of fine, to further undergo rigorous imprisonment for 07 days.
Section 332 IPC	Rigorous imprisonment for a period of



	01 year (reduced from 18 months) and to pay fine of Rs.1,000/- and in default of payment of fine, to further undergo rigorous imprisonment for 15 days.
Section 186 IPC	Rigorous imprisonment for a period of 03 months.

All the sentences were ordered to run concurrently.

3. Learned counsel for petitioner No.1 contends that he is not assailing the impugned judgment of conviction dated 13.03.2007 on merits and restricts the prayer qua modification of the order on quantum of sentence, to that of the sentence already undergone by petitioner No.1, as he has already undergone a period of 26 days and is not involved in any other criminal activity.
4. Learned *amicus curiae*, *inter alia*, contends that both the learned Courts below have ignored the material fact which goes to the root of the matter that PGH Parminder Singh is not a regular employee of the government and he was only a homeguard and whether he was on duty or not, has not been proved by producing any official record. Further as per the case set up by the prosecution, the weapon used in the incident is a sharp edged weapon whereas the injuries suffered by injured Sarabjit Singh are lacerated wounds, which are not possible with the sharp edged weapon. Further there is no independent corroboration to the incident which had taken place at a crowded bus-stop and the prosecution has not alleged any motive or malice. Lastly, she submits that petitioners No.2 to 4 have already undergone a period of 26 days and they are not involved in any other criminal activity.



5. *Per contra*, learned State counsel opposes the prayer of the petitioners on the ground that the learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record, which has also been upheld by the learned Lower Appellate Court and as such, the petitioners do not deserve any leniency.

6. 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 353, 332 and 186 IPC, for which no minimum punishment has been prescribed. As per the custody certificates, the petitioners are not involved in any other case and they have already undergone an actual sentence of 26 days out of total sentence of 01 year, in the instant case. Since there is no minimum punishment prescribed under Sections 353, 332 and 186 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.

7. In ***Deo Narain Mandal Vs. State of UP, (2004) 7 SCC 257***, a three-Judge Bench of 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 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 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 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 Court below indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. The FIR in the present case was registered on 23.11.2000 and the petitioners are suffering the agony of trial since the last more than 24 years. Since their conviction, the petitioners have grown into a law-abiding citizen and desires to live a peaceful life.

10. Consequently, the present revision petition is disposed of in the following terms:-



- (i) *The judgment dated 13.03.2007 passed by the learned Additional Sessions Judge, Jalandhar, affirming the judgment of conviction dated 09.03.2006 is upheld.*
- (ii) *The order of sentence is modified to the extent that the sentence of rigorous imprisonment for a period of 01 year and fine along with default mechanism awarded to the petitioners is reduced to the period of sentence already undergone by them.*

11. The High Court Legal Services Authority is directed to pay remuneration to learned *Amicus Curiae* as per rules.

12. All the pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

04.07.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No