



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

118

CRR-815-2025 (O&M)

Date of decision: 27.03.2025

Surender Singh

....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Tanya Vashist, Advocate
for Mr. Satyawan Singh Nain, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR J. (Oral)

CRM-12553-2025

Allowed as prayed for.

CRR-815-2025 (O&M)

1. This revision petition has been preferred against the judgment dated 11.02.2025 passed by the learned Additional Sessions Judge, Rewari, vide which judgment of conviction dated 01.11.2018 and order on quantum of sentence dated 05.11.2018 passed by the learned Judicial Magistrate Ist Class, Rewari, in FIR No.291 dated 10.11.2013 registered under Sections 323, 325, 34 IPC at Police Station Khol, have been upheld.

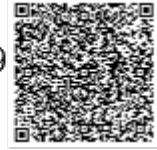
2025:PHHC:041919



2. The petitioner was convicted by the learned trial Court vide judgment of conviction dated 01.11.2018 and was sentenced as mentioned below:

Offence	Sentence
Section 323 IPC read with Section 34 IPC	Simple Imprisonment for a period of 06 months and fine of Rs.500/- and in default of payment of fine to further undergo simple imprisonment for a period of 01 month.
Section 325 read with Section 34 IPC	Simple Imprisonment for a period of 02 years and fine of Rs.1000/- and in default of payment of fine to further undergo simple imprisonment for a period of 02 months.

3. Brief facts of the case are that on 17.10.2013, the police received information about Bablu Kumar, his mother Chameli, his daughter Reena, and his wife Girni being admitted to a hospital in Rewari due to injuries sustained in a quarrel. ASI Anil Kumar investigated and obtained medical reports (MLRs) of all four injured persons. Bablu Kumar sustained 07 injuries, Chameli sustained 04 injuries, Girni Devi sustained 03 injuries and Reena sustained 02 injuries. Bablu Kumar initially stated that he would only give a statement in the presence of his father and brother, Sumer Singh, and later on said that he would give a statement after being discharged from the hospital. Due to the severity of the injuries, Bablu and Chameli were referred to SMS Hospital in Jaipur. Thereafter Bablu Kumar stated that on the morning of 17.10.2013, Surrender and his son Ankit were quarreling with his wife, Girni Devi, who was getting water. When



Bablu intervened, Surrender attacked him with an iron pipe, and Ankit hit Girni with a danda (stick). Sanjay thereafter, hit Bablu with a danda, followed by Ashish and Shamsher also attacked him with danda. Ashish also hit his daughter, Reena. Upon hearing the noises, Bablu's mother, Chameli, came outside, and Manju hit her with an iron pipe. Reshmi Devi also came out with a danda and attacked Chameli. Surrender thereafter attacked Bablu on his head with an iron pipe, causing him to lose consciousness. Thereafter, the neighbors of the vicinity intervened and rescued them. Based on the said statement, the FIR (supra) was registered against the accused persons.

4. Thereafter, the petitioner was convicted and sentenced vide judgement of conviction dated 01.11.2018 and order of sentence dated 05.11.2018 by the learned trial Court, which have also been upheld by learned Lower Appellate Court vide judgment dated 11.02.2025.

5. Learned counsel for the petitioner, *inter alia*, contends that she is not assailing the impugned judgment of conviction on merits and restricts her prayer qua modification of the order on quantum of sentence, to that of the sentence already undergone by the petitioner, as the petitioner has already undergone a period of 01 month and 16 days and he is not involved in any other criminal activity.

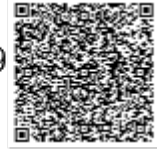
6. *Per contra*, learned State counsel opposes the prayer of the petitioner on the ground that the learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record, which has also been upheld by the learned Lower Appellate



Court. The petitioner was also convicted in two more cases under IPC and as such, the petitioner does 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 petitioner was convicted for voluntarily causing hurt/grievous hurt along with several other persons acting with a common intention, attracting the offence of Sections 323 and 325 read with Section 34 IPC, for which no minimum punishment has been prescribed. As per custody certificate, the petitioner is also convicted in two more cases under IPC but in the present case, he has already undergone an actual sentence of 01 month and 16 days out of total sentence of 02 years. Since there is no minimum punishment prescribed under the Indian Penal Code (IPC), this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to the petitioner is reduced to the period already undergone by him.

8. 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.

9. 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.

10. A perusal of the judgment of conviction passed by the learned Courts below indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. Learned counsel for the petitioner has not assailed the judgment of conviction on merits, rather she has restricted her prayer only qua modification of quantum of sentence.

11. The FIR in the present case was lodged on 10.11.2013 and the petitioner has been suffering the agony of trial since the last more than 11 years. Since his conviction, the petitioner has grown into a law-abiding citizen and desires to live a peaceful life. As per the custody



certificate, the petitioner has undergone actual sentence of 01 month and 16 days, out of total sentence of 02 years in the instant case.

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

(i) The judgment of conviction dated 01.11.2018 passed by the learned trial Court is upheld.

(ii) The order of sentence dated 05.11.2018 is modified to the extent that the sentence of simple imprisonment for a period of 02 years with fine of Rs.1500/- along with default mechanism awarded to the petitioner is reduced to the period of sentence already undergone by him.

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

14. The Jail Authorities are directed to release the petitioner forthwith, if he is not required in any other case.

(HARPREET SINGH BRAR)
JUDGE

27.03.2025
yakub

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