



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

211

CRR-1383-2008

Date of Decision: 29.07.2025

Jagtar Singh and another

....Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL

Present: Mr. Praagbir Singh Dhindsa, Advocate, for the petitioners.

Mr. H. S. Wadhwa, DAG, Punjab.

H.S. GREWAL, J. (ORAL)

1. The present revision petition has been filed against the impugned judgment dated 14.07.2008 passed by the learned Additional Sessions Judge, Fast Track Court, Ludhiana, in FIR No. 59 dated 25.05.1996, registered under Sections 323, 324 and 34 IPC at Police Station Payal, Ludhiana, whereby the appeal preferred by the petitioners was dismissed and the judgment of conviction and order of sentence dated 04.04.2006 passed by the learned Judicial Magistrate First Class, Ludhiana, was upheld. Vide the said judgment, petitioner No.1 – Jagtar Singh was convicted under Sections 324 IPC and 323/34 IPC and sentenced to undergo rigorous imprisonment for 1½ years and 9 months respectively, while petitioner No.2 – Karnail Singh was convicted under Sections 323 IPC and 324/34 IPC and sentenced to undergo rigorous imprisonment for 1 year and 9 months respectively.

2. The case of the prosecution, in brief, is that on 21.05.1996, due to some altercation, the petitioners caused injuries to the complainant, whereupon FIR No. 59 dated 25.05.1996 was registered under Sections 323, 324 and 34



IPC. After completion of investigation and trial, the learned trial Court, on appraisal of the evidence and material witnesses, found the petitioners guilty and accordingly convicted and sentenced them to undergo imprisonment as mentioned hereinabove. The petitioners preferred an appeal before the learned appellate Court, but the same was dismissed vide judgment dated 14.07.2008, thereby affirming the findings recorded by the trial Court. Aggrieved against the said judgment, the petitioners have filed the present revision petition before this Court.

3. Learned counsel for the petitioner contends that the petitioners are not assailing the impugned judgment dated 14.07.2008 upholding the judgment of conviction and order of sentence passed by the trial Court on merits and restricts his prayer qua modification of the order on quantum of sentence, to the period as already undergone by the petitioners, as they have already undergone imprisonment for a period of more than 3 months and 13 days out of total sentence of 1 ½ years (as reflected in the custody certificate dated 28.07.2025). Moreover, It is stated that FIR is of the year 1996 and at the time of trial petitioner Karnail Singh was 61 years of age and Jagtar Singh of 28 years of age. Petitioners further pray that since the FIR in question pertains to the year 1996, a lenient view may be taken while passing an order/ judgment by this Court.

4. On the other hand, learned State counsel opposes the prayer of the petitioner as mentioned hereinabove and submits that the learned trial Court and Ist Appellate Court has passed well-reasoned judgments based on correct appreciation of evidence available on record.

5. I have heard learned counsel for the parties and have gone through the material placed on record.



6. The petitioner has been convicted for causing injuries to the complainant. Moreover, the FIR in the present case pertains to the year 1996 and the petitioners have already faced the rigors of the trial for more than 31 years.

7. Hon'ble the Supreme Court in **“Deo Narain Mandal Vs. State of UP”, (2004) 7 SCC 257**, has held 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 held that the imposition of sentence also serves a social purpose, as it acts as a deterrent by making the accused realize 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 trial Court and learned appellate Court indicates no perversity in their findings and the same is based on correct appreciation of evidence available on record. However, learned counsel for the petitioner has not assailed the judgment of conviction on merits, rather restricted the prayer only qua modification of quantum of sentence to that of the sentence already undergone by the petitioner.

10. Since there is no minimum punishment prescribed under Section 323, 324/34 IPC and keeping in view the fact the FIR pertains to the year 1996 and the petitioner has faced the rigours of trial for a period of more than 29 years, therefore, while taking a lenient view, 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.

11. In view of above, the revision petition is disposed of by upholding the judgment dated 14.07.2008 passed by the learned Appellate Court, however, the order of sentence is modified to the extent that the sentence of rigorous imprisonment as imposed upon the petitioners is reduced to the period of sentence already undergone by them.

29.07.2025

anil

(H.S. GREWAL)
JUDGE

Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No