

2025:PHHC:089370



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

**CRA-S-1096-2025 (O&M)
DECIDED ON: 21.07.2025**

INDERJIT SINGH @ KINDA MAHANT

.....APPELLANT

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Vansh Chawla, Advocate
 for the appellant.

 Mr. Sandeep Singh, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

CRM-25342-2025

Prayer in the present application is for suspension of sentence of the applicant/appellant during the pendency of present appeal.

In view of the custody period undergone by the applicant, learned counsel for the applicant submits that he does not press the present application but a prayer has been made, to list the main appeal for final hearing.

In the light of above, the present application is dismissed being not pressed. However, the main appeal i.e. CRA-S-1096-2025 is taken on board for final hearing, today itself.

CRA-S-1096-2025

1. With the consent of learned counsel for the respective parties, the main appeal is taken on board for final hearing, today itself.
2. The present appeal has been preferred against the judgment of

conviction dated 25.09.2024 and order of sentence dated 27.09.2024 passed by Additional Sessions Judge, Ludhiana whereby, the appellant has been sentenced as under:-

Offence	Sentence
307 IPC	To undergo RI for 05 years along-with fine to the tune of Rs.20,000/-; in default thereof, to further undergo RI for 2 months.
452 IPC	To undergo RI for 3 years along-with fine to the tune of Rs.5,000/-; in default thereof, to further undergo RI for 15 days.
324 IPC	To undergo RI for 03 years.
323 IPC	To undergo RI for 01 year.
506 IPC	To undergo RI for 01 year.

All the sentences were ordered to run concurrently.

3. At the very outset, learned counsel for the appellant contends that he does not want to challenge the conviction of the petitioner on merits. However, he submits that in view of the circumstances of the case, the sentence awarded by the trial Court is on higher side.
4. Here it would be pertinent to mention that the appellant did not challenge his conviction on merits and only confined his relief qua quantum of sentence. This Court has also scrutinized the impugned judgment as well as the relevant documents/evidence and is of the considered view that there is no scope for any interference in impugned judgment as far as the conviction of the appellant is concerned. As such, the conviction of the appellant is upheld.
5. In *Deo Narain Mandal vs. State of U.P. (2004) 7 SCC 257*, 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, 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.

6. Further, 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 the conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.

7. As far as quantum of sentence is concerned, there are mitigating circumstances to take a lenient view in the matter of sentence awarded by the trial court. Apart from the fact that the appellant has already faced the agony of protracted trial for almost six years, he is a sole bread earner of his family consisting his mother, who remains ill. Thus, this court is of the considered view that a chance be given to the petitioner to reform & improve himself; to become a good citizen; and to lead a peaceful & harmonious life. Moreover, it is clear that the petitioner has now been burdened with numerous liabilities. Further more, out of total substantive sentence of 5 years, the appellant has already undergone the actual custody for a period of 03 years 03 months and 21 days, as of now.

8. No doubt the criminal antecedents of the accused are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases.

9. Taking into consideration the above narrated discussion as well as the fact that the appellant has not challenged his conviction on merits, while affirming his conviction, the order of sentence is modified to the extent to the period already undergone by him with no change in fine clause, if any.

10. With the aforesaid modification in the quantum of sentence, the present appeal stands dismissed. Application seeking suspension of sentence is also disposed off.

11. The appellant is ordered to be released forthwith in case he is not required in any other case.

12. Pending criminal misc. application, if any shall also disposed off.

21.07.2025

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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*