



**204-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRR-2927-2009

Date of decision: 22.04.2025

BHAG SINGH

...PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Himanshu Sharma, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Present revision petition is preferred against the judgment of conviction and order of sentence dated 25.07.2009 passed by learned Additional Sessions Judge, Patiala in case stemming from FIR No.183 dated 31.07.2003 registered under Sections 306/34 of IPC at Police Station Sadar Rajpura, whereby respondent Nos.2 and 3 have been sentenced for five years along with a fine of Rs.2,000/- each along with default mechanism for commission of offences under Section 306 of IPC.

2. Succinctly, the prosecution version is that complainant stated that in the year 1999, his daughter was married with Kesar Singh, who settled in Greece. As such, respondent No.2 and 3 along with co-accused Surjit Kaur used to harass his daughter on account of demand of dowry. On 31.07.2003 at about 9 AM, the complainant received a message that his daughter has committed suicide and her dead body was lying in the house of accused persons. Hence, the FIR (*supra*) was registered.



3. Learned counsel for the petitioner *inter alia* contends that the learned Court below fell into error by awarding sentence of merely five years to the accused/respondent Nos.2 and 3. The charges against them stand duly proven by all the prosecution witnesses. As such, the learned Court below ought not to have awarded meagre sentence to respondent Nos.2 and 3.

4. *Per contra*, learned State counsel submits that the Court below has rightly convicted the accused persons under Section 306 of IPC on the basis of proper appreciation of material available on record.

5. Having heard the learned counsel for the parties and after perusing the record with their able assistance, it transpires that the accused/respondent Nos.2 and 3 have maintained good conduct and do not have criminal antecedents. The theory of reformation and rehabilitation aims at separating the criminal from the crime and compels us to look beyond the one fateful act committed by him. In a civilised society like ours, it would be truly unfortunate if an offender is not given the opportunity to realise and fully fathom his mistake and channel that awareness into making fruitful contributions in society. A Co-ordinate bench of this Court in ***Nasri v. State of Haryana 2023(2) Law Herald 2203***, speaking through Justice Arun Monga, made the following observations:

*“11.2. Objectives and principles of criminal law as envisioned in the provision *ibid*, apart from deterrence against committing crime against society, are *inter-alia* focused on the reformation of offenders, which inheres the concept of probation. Modern criminal justice system often aims to balance punishment with rehabilitation, emphasizing the potential for positive change in individuals who have committed crime. The goal of criminal law extends beyond mere punishment. While punishment serves to deter and hold individuals accountable for their actions, there is a growing recognition of the importance of addressing the underlying factors that contribute to criminal behaviour. This*



perspective emphasizes the potentials of offenders to reform and reintegrate into society as law-abiding citizens. Probation is one of the

mechanisms used to achieve this reformation objective. In certain cases, certain offenders may be asked to remain under community supervision rather than being incarcerated. During such probation period, the offender can be put to follow certain conditions, such as regular reporting to a probation officer, participating in counselling or treatment programs and maintaining employment or education. The aim is to provide support, guidance and opportunities for the offender and to address the root causes of their criminal behaviour and develop positive life skills. Close monitoring and guidance provided during probation can help the offender make positive changes in their life and reduce the likelihood of re offending.”

6. In ***Deo Narain Mandal v. 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, 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. Further, a two Judge Bench of the Hon'ble Supreme Court in ***Ravada Sasikala v. 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. In view of the facts and circumstances of the case, this Court finds no perversity or illegality in findings recorded by the learned Court below, which warrant interference. Hence, the instant revision petition stands dismissed.

April 22, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |