



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

CRR-3346-2009

Date of decision: 23.05.2025

Jarnail Singh @ Kala and others

....Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Harish Goyal, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision petition is preferred against the judgment dated 07.12.2009 passed by the learned Additional Sessions Judge, Patiala, vide which the appeal against judgment of conviction and order of sentence dated 15.02.2006 passed by the learned Judicial Magistrate 1st Class, Samana, in FIR No.315 dated 03.09.2000 registered under Sections 323/324/326/341/34 of IPC, registered at Police Station Patran, has been dismissed.

2. Learned counsel for the petitioners submits that petitioners No.2 & 4, namely, Nihal Singh and Balvir Singh, respectively, had died, as such, the present revision petition *qua* petitioners No.2 & 4 has become abated. He further submits that the fine has already been deposited at the time of filing of an appeal before the learned Appellate Court. Moreover, in compliance of order dated 24.01.2025 status report regarding death of petitioners No.2 and 4, has been filed and the same is taken on record.

3. In view of the above, the present revision petition is disposed of as abated *qua* petitioners No.2 & 4, namely, Nihal Singh and Balvir Singh, respectively.



CRR-3346-2009

-2-

4. Petitioners No.1 & 3 were convicted and sentenced as mentioned below:

Accused	Offence	Sentence
Jarnail Singh	Section 326 of IPC	Rigorous imprisonment for a period of 01 year and to pay fine of Rs.1,000/- in default of which, further undergo rigorous imprisonment for two months.
	Sections 324/34 of IPC	Rigorous imprisonment for a period of 06 months and to pay fine of Rs.200/- in default of which, further undergo rigorous imprisonment for one month.
	Section 323 of IPC	Rigorous imprisonment for a period of 06 months.
	Section 341 of IPC	Simple imprisonment for a period of 01 month.
Hardeep Singh	Sections 326/34	Rigorous imprisonment for a period of 09 months and to pay fine of Rs.500/- in default of which, further undergo rigorous imprisonment for one month.
	Section 324 of IPC	Rigorous imprisonment for a period of 09 months and to pay fine of Rs.500/- in default of which, further undergo rigorous imprisonment for one month.
	Section 323 of IPC	Rigorous imprisonment for a period of 06 months.
	Section 341 of IPC	Simple imprisonment for a period of 01 month.

All the sentences were ordered to run concurrently.

5. After assessing the material available on record, the learned trial Court convicted petitioners No.1 & 3 vide judgment dated 15.02.2006. Aggrieved by the same, petitioners No.1 & 3 preferred an appeal before the learned lower Appellate Court which has been dismissed vide judgment dated 07.12.2009.

6. Learned counsel for petitioners No.1 & 3 *inter alia* contends that petitioners No.1 & 3 have been falsely implicated in the present case and there was no independent corroboration of the testimonies of various witnesses. The prosecution has miserably failed to prove its case. Further, he is not assailing



CRR-3346-2009

-3-

the impugned judgment of conviction on merits and restricts his prayer to modification of the order on quantum of sentence, to that of the sentence already undergone by petitioners No.1 & 3, as petitioners No.1 & 3 have already undergone a total period of 22 days in custody. He further submits that accused/petitioners No.1 & 3 are not involved in any other criminal activity.

7. *Per contra*, learned State counsel opposes the prayer of the petitioners as the learned Courts below have passed well-reasoned judgments based on correct appreciation of evidence available on record and as such, they do not deserve any leniency. However, he could not controvert the fact that petitioners No.1 & 3 are not involved in any other case.

8. Having heard learned counsel for the parties and after perusing the record with their able assistance, it transpires that petitioners No.1 & 3 were convicted under Sections 323/324/326/341/34 of IPC for which no minimum punishment has been prescribed. As per their custody certificates, petitioners No.1 & 3 have already undergone a period of 22 days in custody out of total sentence, in the instant case. Since there is no minimum punishment prescribed under Sections 323/324/326/341/34 of IPC, this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to petitioners No.1 & 3 is reduced to the period already undergone by them.

9. 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.

10. 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.

11. A perusal of the judgment of conviction passed by the learned trial Court indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. However, the FIR (supra) was lodged on 03.09.2000 and petitioners No.1 & 3 have been suffering the agony of trial for last more than 24 years. Since their conviction, they have grown into a law-abiding citizen and desire to live a peaceful life.

12. Therefore, in view of the discussion above, the present revision petition is disposed of in the following terms:-

(i) The judgment dated 07.12.2009 passed by the learned Additional Sessions Judge, Patiala, is upheld and sentence of 01

**CRR-3346-2009****-5-**

year of petitioner No.1 and nine months of petitioner No.3 and fine awarded by the learned trial Court is reduced to the period of sentence already undergone by petitioners No.1 & 3.

13. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

23.05.2025*Neha*

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