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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of Decision: 28.10.2025

ANANAD

... PETITIONER

VERSUS

STATE OF HARYANA

... RESPONDENT

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

Present:- Mr. Akinchan Aggarwal, Advocate for the petitioner.

Mr. Sunny Namdev, AAG, Haryana.

H.S. Grewal, J.(Oral)

1. This revision petition has been filed against the judgment dated 15.01.2010 passed by Id. Additional Sessions Judge (Adhoc) FTC, Rewari vide which the judgment of conviction and order of sentence dated 12.04.2005 passed by Id. Addl. Chief Judicial Magistrate, Rewari was upheld whereby the petitioner was sentenced to undergo RI for one year and to pay a fine of Rs. 1000/- under Sections 323/34 IPC and RI for three years and to pay fine of Rs. 3000/- under Sections 326/34 of IPC. In case of default of fine, the convict would further undergo RI for three months each under Sections 323/34 IPC and RI for 9 months under Section 326/34 IPC.

2 The brief facts of the case are that on 08.01.1995 at about 9:30 P.M., within the jurisdiction of Police Station Khol, near the shop of one Mahipal in Village Gothra Tappa, the accused/appellants, in furtherance of their common intention and armed with a sharp-edged iron article fitted on a lathi as well as lathis, voluntarily caused simple and grievous injuries to the complainant, Bhanwar Singh, using both blunt and sharp-edged weapons. At that time, the

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complainant was returning home from Nohera after feeding fodder to his camel. When he reached near Mahipal's shop, accused Satbir approached from behind and struck him on his left ear with the sharp-edged iron article fitted on a lathi, stating that they would make the complainant a Sarpanch. Meanwhile, the remaining accused, armed with lathis, arrived one by one and started assaulting the complainant. The motive behind the occurrence was alleged to be the complainant's failure to cast his vote in favour of accused Anand during the election for the post of Sarpanch. The complainant was thereafter admitted to the hospital, where he was medically examined. On the basis of DDR No. 28 dated 08.01.1995, an FIR was registered. Investigation ensued, during which a rough site plan of the place of occurrence was prepared and statements of witnesses under Section 161 Cr.P.C. were recorded. Upon completion of the investigation, the accused were challaned by the SHO, Police Station Khol.

3. Mr. Akinchan Aggarwal, Advocate appears and filed his Vakalatnama on behalf of the petitioner in the Court today and the same is taken on record. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of conviction on merits and restricts his prayer qua modification of the order on quantum of sentence. He also contends that the petitioner has undergone custody for a period of 02 month and 04 days out of the awarded sentence of 03 years and stated that the petitioner is not involved in any other case. He prays that since FIR in question pertains to the year 1995, a lenient view may be taken while passing an order on quantum by this Court.

4. Learned State counsel opposes the prayer of the petitioner and filed the custody certificate in the Court, which are taken on record. He further submits that the Courts below has passed a well reasoned judgment based on correct



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appreciation of evidence available on record. However, he does not refute the fact that the petitioner is not involved in any other case.

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

6. The FIR in the present case pertains to the year 1995 and he has already faced the rigors of the trial for more than 30 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 petitioner, 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 Division 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 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.



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9. A perusal of the judgment of conviction passed by the Courts below indicates no perversity in their findings and the same are based on correct appreciation of evidence available on record. However, learned counsel for the petitioner has not assailed the judgments, rather restricted the prayer only qua modification of quantum of sentence to that of the sentence already undergone by the petitioner.

10. As far as the question of quantum of sentence is concerned, it is worthwhile to note that the occurrence in this case pertains to the year 1995. The right to speedy and expeditious trial is one of the most valuable and cherished rights guaranteed under the Constitution. The petitioner has already suffered the agony of protracted trial, spanning over a period of more than 30 years and has been in the corridors of the court for this prolonged period. In view of the facts noted above, the case of the petitioner deserves to be dealt with leniency. The petitioner also deserves the benefit of the consistent view taken by this court in this regard. Thus, guided by the judicial pronouncements made by the Hon'ble Supreme Court in the cases of *Haripada Das Vs. State of West Bengal* reported in (1998) 9 SCC 678 and *Alister Anthony Pareira vs. [2023:RJ-JD:28174] (5 of 5) [CRLR-755/2003] State of Maharashtra* reported in 2012 2 SCC 648 and considering the facts and circumstances of the case, age of petitioner, his status in the society and the fact that they faced financial hardship and had to go through mental agony, this court is of the view that ends of justice would be met, if sentence imposed upon the petitioner is reduced to the period as already undergone by them.

11. Accordingly, judgments passed by the Id. Appellate Court as well as Id. Sub Divisional Judicial Magistrate, Dhuri are hereby affirmed but the quantum of sentence awarded by the Courts concerned under Sections 323/34 and 326/34



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of IPC have been modified and reduced to the period of sentence as already undergone by him. The petitioner is on bail. He need not surrender. His bail bonds are discharged. However, the amount of fine of Rs.3,000/- imposed upon the petitioner by the Id. Trial Court is enhanced to Rs. 10,000/-. The petitioner is directed to deposit the enhanced amount of fine in learned trial Court within a period of one month from the date of receipt of certified copy of this order and in case of default of payment of fine, they will be liable to be taken into custody and made to undergo rigorous imprisonment for a period of nine months.

12. With these modifications, the present revision petition is disposed of.
13. Pending application(s), if any, shall also stand disposed of.

28.10.2025
renu

(H.S.GREWAL)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

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Yes/No