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

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Date of Decision: 24.09.2025

YOGINDER PARSHAD**... PETITIONER****VERSUS****STATE OF HARYANA****... RESPONDENT****CORAM : HON'BLE MR. JUSTICE H.S.GREWAL**

Present:- Mr. Akash Sheoran, Advocate for the petitioner.
Mr. Amrik Narwal, DAG, Haryana.

H.S. Grewal, J.(Oral)

1. This revision petition has been filed against the impugned order dated 10.09.2010 passed by Id. Additional Sessions Judge, Gurgaon vide which the conviction order dated 27.09.2008 passed by Id. Chief Judicial Magistrate Gurgaon was upheld whereby the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.1,000/- for the commission of offence punishable under Section 16(1) (a) (I) of Prevention of Food Adulteration Act, 1954. In default of payment of fine, he shall undergo further simple imprisonment for one month.

2 The brief facts of the case are that on 21.3.1997 around 1.30 p.m. PW1 Megh Nath, Government Food Inspector accompanied by PW2 Dr Ramesh Kumar, Medical Officer, CHC, Pataudi and Gulshan Kumar, independent witness inspected the premises of accused Yoginder Parshad and found him in possession of 7-8 Kgs. of Atta for public sale contained in an iron



pippa. The Government Food Inspector demanded a sample of Atta by giving notice to accused in writing on Form VI prescribed under the Food Adulteration Rules, 1955 and 750 grams of Atta was purchased after mixing the whole contents properly and made uniform for analysis from accused for Rs.5.25 paise. The Atta was divided into three equal parts, bottled in three dry clean and empty bottles. The bottles were stoppered tightly and sealed on the neck with the seal of Medical Officer. The bottles were labelled and wrapped as per rules. One sealed bottle along with a memorandum in Form VII was sent to the Public Analyst, Haryana, Chandigarh for analysis in a sealed packet through Railway parcel. The other two sealed bottles/packets of sample along with two copies of memo in Form VII were deposited with the Local Health Authority on 22.3.1997 vide No. TSI-97/33 in a sealed packet. A copy of the memorandum in Form VII, a specimen impression of seals used to seal the sample and packets were sent to the Public Analyst Haryana, Chandigarh separately by registered post in a sealed envelope vide postal receipt No 2977 dated 22.3.1997. The sample was taken in the presence of PW2 Dr. Ramesh Kumar and Gulshan son of Khan Chand, M/s Khan Chand & Sons, Hardware Store, Amar Market, Pataudi. The report of of Public Analyst was received according to which the sample contained ash insoluble in dilute Hcl 0.25% against the maximum prescribed standard of 0.15% and grit 0.19%. Its taste was also gritty. Consequently complaint for prosecution of the accused under Section 7 (i) of the Act punishable under Section 16 (1)(a)(ii) of the said Act was instituted.



3. 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 already undergone custody for a period of 02 months and 09 days out of the awarded sentence of 06 months and stated that the petitioner is not involved in any other case. He prays that since complaint in question pertains to the year 1997, 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 is taken on record. He further submits that the Courts below has passed a well reasoned judgment based on correct 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 complaint in the present case pertains to the year 1997 and the petitioner has already faced the rigors of the trial for more than 28 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 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.

9. A perusal of the judgments by the Courts below indicates no perversity in their and the same is 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 1997.



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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 28 years and has been in the corridors of the court for this prolonged period. He remained incarcerated for more than two months. He is living peacefully for last two and a half decades as no report contrary to that has been received. 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 Bangal* 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 he 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 him.

11. Accordingly, judgments passed by Id. Additional Sessions Judge, Gurgaon and Id. Chief Judicial Magistrate Gurgaon are hereby affirmed but the quantum of sentence awarded by the Court concerned under Section 16(1) (a) (i) of Prevention of Food Adulteration Act, 1954 has 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.



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

24.09.2025
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(H.S.GREWAL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>