

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

2025 PHHC-171973



**CRR-2723-2010 (O&M)
Date of Decision: 09.12.2025**

**SATISH KUMAR ... PETITIONER
STATE OF PUNJAB ... RESPONDENT**
VERSUS

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

Present:- Mr. Ashim Singh Bheniwala, Advocate for the petitioner.
Mr. Parneet Singh Pandher, A.A.G., Punjab.

H.S. GREWAL, J. (ORAL)

1. Present revision has been filed against the judgment of conviction dated 05.05.2009 and order of sentence dated 08.05.2009 passed by the learned Sub Divisional Judicial Magistrate, Samana and judgment dated 07.08.2010 passed by the learned Addl. Sessions Judge, Patiala whereby the petitioner was convicted and sentenced to undergo as under:-

Charge: Under Sections 279, 304-A, 337 IPC

Sentence: To undergo rigorous imprisonment as under:

- (a) To undergo RI for a period of six months and fine of Rs.200/-, in default of payment of fine, to further undergo rigorous imprisonment for a period of 15 days under Section 279 IPC.
- (b) To undergo RI for a period of two years and fine of Rs.500/-, in default of payment of fine, to further undergo rigorous imprisonment for a period of one month under Section 304-A IPC.
- (c) To undergo RI for a period of three months and fine of Rs.200/-, in default of payment of fine to further undergo rigorous imprisonment for a period of 15 days under Section 337 IPC.

All the sentences were ordered to run concurrently.

2. The case of the prosecution is that the petitioner was driving Tata Sumo bearing registration No. HR-26J-9278 in a rash and negligent

manner which hit the Jeep of the complainant bearing registration No.HR23-2408. As a result thereof, the occupants of the Jeep suffered multiple injuries and the driver of the Jeep and one Baljit Kaur succumbed to the injuries.

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 was 21 years of age at the time of the incident and more than two decades have passed since he is facing the rigors of trial. He has already undergone custody for a period of 04 months and 16 days out of the awarded sentence of two years. He prays that since the occurrence is of the year 2004, 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 have passed a well reasoned judgment based on correct appreciation of evidence available on record.

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 2004 and the appellant has already faced the rigors of the trial for more than 20 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.

9. A perusal of the judgment of conviction passed by the Court below indicates no perversity in their findings and the same is based on correct appreciation of evidence available on record. However, learned counsel for the petitioner has not assailed the judgment, 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 2004. 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 20 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 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, judgment passed by the learned Sub Divisional Judicial Magistrate, Samana is hereby affirmed but the quantum of sentence awarded by the Court concerned under Sections 279, 304-A, 337 IPC 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.

12. With these modifications, the present petition is disposed of.

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

09.12.2025

(H.S.GREWAL)
JUDGE

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