



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

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CRR-2591-2011 (O&M)

Date of decision: 06.11.2025

Surjit Singh and another

...Petitioner(s)

VERSUS

State of Punjab and another

...Respondent(s)

**CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

Present :- Ms. Simerpreet Sekhon, Advocate for  
Ms. P.S. Ahluwalia, Advocate for the petitioner(s).

Ms. Savi Nagpal, AAG Punjab.

None for respondent No.2.

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**VINOD S. BHARDWAJ, J. (Oral)**

**CRM-57449-2011**

Application is allowed as prayed for subject to all just exceptions.

**Main case:**

The instant criminal revision petition has been preferred against the judgment/order dated 08.07.2006 passed by Judicial Magistrate 1st Class, Samana in complaint case No.124-T of 15.03.1994/1997 registered under Sections 120-B, 467, 468, 471 of the Indian Penal Code, 1860 at Police Station Patran, whereby the petitioners have been convicted and sentenced as under: -



|               | Under Section(s) | Sentence                                                                                                                |
|---------------|------------------|-------------------------------------------------------------------------------------------------------------------------|
| Mohinder Kaur | 120-B of I.P.C.  | One year and to pay a fine of Rs.500/- and in default of payment of fine to further undergo RI for one month.           |
|               | 467 of I.P.C.    | RI for two years and to pay a fine of Rs.1000/- and in default of payment of fine to further undergo RI for two months. |
|               | 468 of I.P.C.    | RI for one year and a fine of Rs.500/- and in default of payment of fine to further undergo RI for one month.           |
|               | 471 of I.P.C.    | RI for one year and a fine of Rs.500/- and in default of payment of fine to further undergo RI for one month.           |
| Surjit Singh  | 120-B of I.P.C.  | RI for one year and a fine of Rs.500/- and in default of payment of fine to further undergo RI for one month.           |
|               | 467 of I.P.C.    | RI for two years and to pay a fine of Rs.1000/- and in default of payment of fine to further undergo RI for two months. |
|               | 468 of I.P.C.    | RI for one year and a fine of Rs.500/- and in default of payment of fine to further undergo RI for one month.           |

All the sentences were ordered to be run concurrently.

2. The appeal preferred against the said judgment/order of conviction/sentence i.e. CrI. Appeal No.84T/13.7/06/30.8.2008 was also dismissed by the Additional Sessions Judge, Patiala vide judgment dated 14.09.2011. Hence, the present criminal revision petition.



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3. The present criminal revision petition was admitted vide order dated 07.11.2011 and thereafter, vide order dated 06.12.2011 after taking into consideration the sentence already undergone by the petitioners i.e. 2 ½ months out of 02 years, they were ordered to be released on bail vide order dated 06.12.2011, passed by this Court.

4. Briefly summarized, facts of the present case are that Lakhwinder Singh s/o Mohinder Kaur (petitioner no.2) and husband of Swaran Kaur died on 24/6/1993. After the death of Lakhwinder Singh, Mohinder Kaur got prepared a will dated 25/5/1993 allegedly executed by Lakhwinder Singh in favour of Mohinder Kaur. On the basis of this unregistered will, petitioner no.2 moved an application before the revenue authorities to sanction the mutation of the inheritance of the deceased in favour of petitioner, however, Swaran Kaur (widow of the deceased) contested the mutation on the ground that at the time of death, Lakhwinder Singh was only 28 years old. He was not suffering from any ailment and was fit and healthy. Rather she took the plea that Lakhwinder Singh was killed by petitioner along with other accused but during the course of mutation proceedings, Mohinder Kaur took the plea that deceased was an addict and used to consume poppy husk. Due to his addiction, he remained unwell. As such, apprehending his death Lakhwinder Singh executed this will dated 25/5/1993 in favour of Mohinder Kaur. Without appreciating the evidence produced by both parties, mutation of the property left by Lakhwinder Singh was sanctioned vide order dated 23/2/1999 by A.C. 1<sup>st</sup> Grade to the extent of



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1/2 share each in favour of petitioner and Swaran Kaur on the basis of natural succession by ignoring the will on the ground of it being unregistered and made under suspicious circumstances. Aggrieved of this order dated 23.02.1999, Mohinder Kaur filed an appeal in the court of the District Collector, Patiala which was dismissed on 25.04.2000. Thereafter, petitioner filed revision in the court of Commissioner, Patiala division, Patiala which was dismissed on 15.12.2002. The subsequent appeal filed in the Court of Financial Commissioner, Punjab, Chandigarh was also dismissed.

5. In the findings of revenue courts, it was also recorded that the will dated 25.05.1993 has been fabricated by Mohinder Kaur in connivance with Kuldeep Singh who scribed this will and Surjit Singh and Puran Singh who are the marginal witnesses of this will. On the basis Of this finding, Swaran Kaur filed an criminal complaint no. 124/T/15.3.94/97 against Mohinder Kaur, Kuldeep Singh, Surjit Singh and Puran Singh for committing the offence under section 120B, 467, 468, 471 of IPC

6. Since Puran Singh died during the pendency of appeal, as such, proceedings against him were abated and after appreciating the evidence led by Swaran Kaur Mohinder Kaur, Kuldeep Singh (since deceased) and Surjit Singh were convicted and sentenced to undergo imprisonment for committing the offences under section 120B, 467, 468 and 471 of IPC vide judgment/order dated 08.07.2006.

7. Aggrieved of the said judgment and order of sentence, appeal was filed before Additional Sessions Judge, Patiala which was dismissed



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vide judgment dated 14.09.2011.

8. At the very outset, learned counsel appearing on behalf of the petitioners contends that petitioner No.1 has passed away and petitioner No.2 is 90 years old lady and she does not wish to contest the conviction at this juncture and would confine her prayer only with respect to the sentence awarded. She further submits that the matter has already been compromised between the parties i.e. petitioner No.2 and respondent No.2.

9. Learned State Counsel doesn't have any major objection to the prayer made by the counsel for petitioners.

10. There is no representation on behalf of respondent No.2.

11. I have heard the learned counsel appearing on behalf of the respective parties and have gone through the documents appended with the instant petition with their able assistance.

12. In ***Deo Narain Mandal v. State of UP*** reported as **(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*** reported as ***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. In order to determine the quantum of sentence, Courts should bear in mind the principle of proportionality as awarding punishment is not merely retributive but also reformatory.

13. Since the counsel for the petitioner has confined her challenge and prayer only to the quantum of sentence, hence, merits of the case need not be gone into.

14. Noticing the facts that petitioner No.1 has passed away, the proceedings against him stands abated and petitioner No. 2 being a 90 years lady and has already undergone a total custody period of 2 ½ months as against the sentence of 02 years. Moreover, the dispute is between the daughter in law and mother-in-law and the matter has already been compromised between them, I deem it to be a fit case for reduction of



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sentence.

15. Taking into consideration the aforesaid facts and circumstances made before this Court by the petitioner, the criminal revision petition is partly allowed and the sentence awarded is reduced to that already undergone.

16. All pending criminal misc. application(s), if any, stand disposed of.

(VINOD S. BHARDWAJ)  
JUDGE

06.11.2025  
Mangal Singh

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